

Virginia Refugee Resettlement



Program Manual



FIRST RELEASE

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FOREWARD

This *Refugee Resettlement Program Manual* is the result of the efforts of many individuals over an extended period of time. Extensive research and collaboration were necessary to complete this project, and policy specialists from a number of programs (TANF, Medicaid, Food Stamps, Foster Care, etc.) have contributed to and reviewed the content of this manual, in order to align it with the existing policy of Virginia's benefits and service programs. Resettlement agencies and service providers have also played an important role in the construction of the manual through their suggestions and comments. The manual is an extension of the refugee program in that it exists as a result of the collaborative input of the entire resettlement network.

The *Refugee Resettlement Program Manual* attempts to include all of the various facets of the resettlement program and to underscore the importance that all players must work together to ensure that refugees achieve the earliest possible self-sufficiency and social assimilation into Virginia's communities. The manual is meant to be an articulation of the Federal regulations (45 CFR 400-402) that govern the Refugee Resettlement Program in the United States, particularly as they have been applied in the state of Virginia. There have been a number of important changes to these regulations over the last several years, so the reader is encouraged to pay careful attention to each section of the manual to ensure that he or she has clearly understood the full implications of these changes upon the program. Every effort has been made to make this a user-friendly document, and it is hoped that the appendices and glossary of terms will be especially valuable to those who will use this manual on a frequent basis.

The Office of Newcomer Services would like to thank everyone who has contributed to this reference document and hopes that it will be of assistance to staff as they go about the important work of refugee resettlement in Virginia.

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I. INTRODUCTION

A. Purpose

1. **Overview** – A refugee is a person who is outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group, and who cannot or does not want to return. Each year millions of refugees are forced to leave their homelands and must begin new lives in other countries for reasons that are beyond their control. They are a distinct class of legal immigrants who need the humanitarian protection and safe haven offered by other countries. (In the U.S. they are given a unique immigration status as established by the Immigration and Nationality Act, Title IV, Section 101[a][42].) In their home country, they may have been in immediate danger of losing their lives. They have been persecuted for reasons of race, religion, nationality, or political opinion, and have often experienced harrowing physical and psychological torture as well. Many refugees flee their countries to save their children from the hardships of war, deprivation, indoctrination, and discrimination.

Through the Refugee Resettlement Program, refugees from all over the world are able to come to the United States to find a safe, peaceful environment in which to begin a new life, free from persecution and discrimination. The program helps to ensure that their transition into life in America is successful and that the unique contributions they can offer to this society are recognized and appreciated from the day they arrive.

2. **Terminology and Definitions** – For your convenience, a glossary of terms related to refugee resettlement, many of which are used in this manual, is included at the end of the manual following Appendix H.
3. **Administration** – The administrative environment in which refugees are resettled in the U.S. is diverse.
 - a. **National** - Three federal departments are involved in the process:
 - **Department of State** – The *Bureau of Population, Refugees, and Migration* is responsible for establishing placement and arrival criteria. It decides who will come, where they will go, and when they will arrive.

- **Department of Health and Human Services** – The *Office of Refugee Resettlement (ORR)* is responsible for administering the refugee resettlement program on the national level, working with refugee coordinators at the state level.
- **Department of Justice** - The *Immigration and Naturalization Service (INS)* promulgates regulations regarding documentation and classification of immigrants and is responsible for processing refugees overseas and in the U.S.

b. State

- The **Virginia Office of Newcomer Services (ONS)**, located in the Division of Community Programs, within the Virginia Department of Social Services, administers the refugee resettlement program in Virginia, which is supported by 100 percent federal funds.
- The State Refugee Coordinator, who is also Director of ONS, has been designated by the Governor to oversee the program to ensure the effective coordination of public/private resources and the day-to-day management and delivery of services and benefits to refugees throughout the Commonwealth.

B. Legal Base and Framework of the Refugee Resettlement Program

1. **Legal Base** – The national refugee resettlement program is carried out under the authority of the Immigration and Naturalization Act, born out of the Refugee Act of 1980 (P.L. 96-212). Since its inception, the program has been administered subject to the purpose of that Act, namely, “to provide for the effective resettlement of refugees” and “to assist them to achieve economic self-sufficiency as quickly as possible.” Thus from the beginning of the program, newly arriving refugees have been subject to a self-sufficiency standard that pre-dates welfare reform.
2. **Framework** – The United States government, in admitting refugees, has made a commitment to help them make a successful transition to life in America. The goal of the national refugee resettlement program is to assist in the successful social integration of refugees as soon as possible after their arrival in the U.S., with an emphasis on attaining the earliest durable economic self-sufficiency for individuals, families, and new refugee communities.

- a. The Department of State and the Department of Health and Human Services, Office of Refugee Resettlement, administer specific programs for refugees. National voluntary agencies, through “cooperative agreements” with the State Department, provide initial reception and placement services during the first 90 days after a refugee arrives in the United States. The agreements set the stage and lay out the expectations for the successful assimilation and acculturation of refugees into the mainstream of American life.
- b. The federal Office of Refugee Resettlement (ORR) provides funds to states for cash and medical assistance for up to eight months after a refugee’s arrival in the United States. It also funds refugee social services (e.g. case management, employment services, English language training, and support services, such as transportation assistance, social adjustment training, and information and referral), and the administration of the refugee resettlement program.
- c. Virginia’s refugee resettlement program, administered by the Office of Newcomer Services (ONS), negotiates and executes interagency agreements and contracts with public and private agencies, directing these funds to the local communities where refugees reside. ONS is also responsible for the oversight of the Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) programs within the Department of Social Services. *Note: The official and correct names for these programs are “Refugee Cash Assistance” and “Refugee Medical Assistance,” not “Refugee Other” and “Refugee Medicaid Other,” which have been used in certain contexts in the past.*

C. Who is Eligible to Receive Benefits and Services?

1. **Introduction** – In order to be eligible to receive benefits and/or services under the Virginia Refugee Resettlement Program (VRRP), an individual must meet the requirements of 45 CFR 400.43. These individuals are admitted to the United States with a particular legal immigration status granted by the U.S. Immigration and Naturalization Service. The term “refugee” will be used throughout this manual to refer to anyone in the groups that are eligible for the Virginia Refugee Resettlement Program. *NOTE: By federal regulation (45 CFR 400.152), ONS and its contract service providers may not provide services to refugees who have been in the United States for more than 60 months.*

2. Eligible Groups

- a. *Refugees* - A refugee is a person who is outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a social group. Eligible participants hold the legal immigration status of a refugee, which is granted before their arrival in the United States.
- b. *Asylees* – An asylee is a person who is in the U.S. or at a border and demonstrates that he/she qualifies under the “refugee” definition. Asylees do not enter the United States with the legal status of “refugee,” but rather apply to the INS for asylum after they have arrived. Once the individual has been granted asylum, he/she is eligible for all services and support offered by the Virginia Refugee Resettlement Program (VRRP).
- c. *Entrants* - An entrant is a person from Cuba or Haiti who has been admitted into the United States under P.L. 96-422 holding the legal immigration status of Cuban/Haitian Entrant (or “Parolee” – see definition on p. 11 for more details).
- d. *Amerasians* - An Amerasian is a person of American and Asian descent, especially one whose mother is Asian and whose father is American. Certain Amerasians from Vietnam are admitted to the United States as immigrants under the provisions of P.L. 100-202 (and the amendments to it in P.L. 100-461, P.L. 101-167, P.L. 101-513, and P.L. 101-649) and are eligible for the Refugee Resettlement Program. Basically, these are individuals born in Vietnam after January 1, 1962, and before January 1, 1976, who were fathered by U.S. citizens. The eligible Amerasian’s spouse, children, and parents or guardians, when they arrive with him/her in the United States, also qualify for the program.
- e. *Unaccompanied Minors* - An unaccompanied minor is a child under 18 who lawfully enters the country unaccompanied by a parent or an immediate adult relative, or who has no known immediate adult relative in the U.S. An eligible participant has been classified by INS as a refugee unaccompanied minor or meets the requirements of one of the exceptions. The child is eligible to receive culturally and linguistically appropriate child welfare services, as well as employment services. See Section VI of this manual for the specifics of the Unaccompanied Minors Program.

- f. *Certain Lawful Permanent Residents* - Persons who currently hold the immigration status of permanent resident alien and who previously held one of the statuses listed above are also eligible to receive the services of the Virginia Refugee Resettlement Program (see section II.B.4.a of this manual for time limitations).
- g. *Victims of Trafficking* – Public Law, No. 106-386, Div. A, 114 Stat.1464 (2000), The Trafficking Victims Protection Act, established that victims of severe forms of trafficking are eligible for benefits and services to the same extent as refugees. “Severe forms of trafficking in persons” is defined as:
 - 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 - 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- h. ***Note: In this manual, unless noted otherwise, “refugee” is used as a general term to refer anyone who falls into categories a-g above.***

- 3. **Ineligible Groups** - The following are common examples of persons who are not eligible to receive benefits and services through the VRRP program (list is not all-inclusive):
 - a. Persons who formerly held refugee status and have become naturalized citizens of the U.S.
 - b. Persons who were admitted to the U.S. as immigrants, and who, therefore, have never held the U.S. immigration status of refugee or asylee. (*Note: An exception to this is made with Trafficking Victims, whose eligibility is determined not by immigration status, but by certification letter.*)
 - c. Persons who have been granted legal resident status under the Immigration Reform and Control Act of 1996 (P.L. 99-603).

4. Documentation

- a. Refugee status must be demonstrated through appropriate documentation. The I-94 and I-551 cards are the most common forms of verification (for those who fall into the categories described in section I.C.2.a-f of this manual). See

Appendix A for a description and examples of the Immigration and Naturalization Service (INS) documents that qualify an individual to receive services in the VRRP program.

- b. Victims of trafficking (described in section I.C.2.g) are not required to submit INS documentation to be eligible for the program. Instead, they must show a certification letter or letter for children issued from the Office of Refugee Resettlement, which verifies that they are victims of trafficking. See *Appendix B* for sample letters.

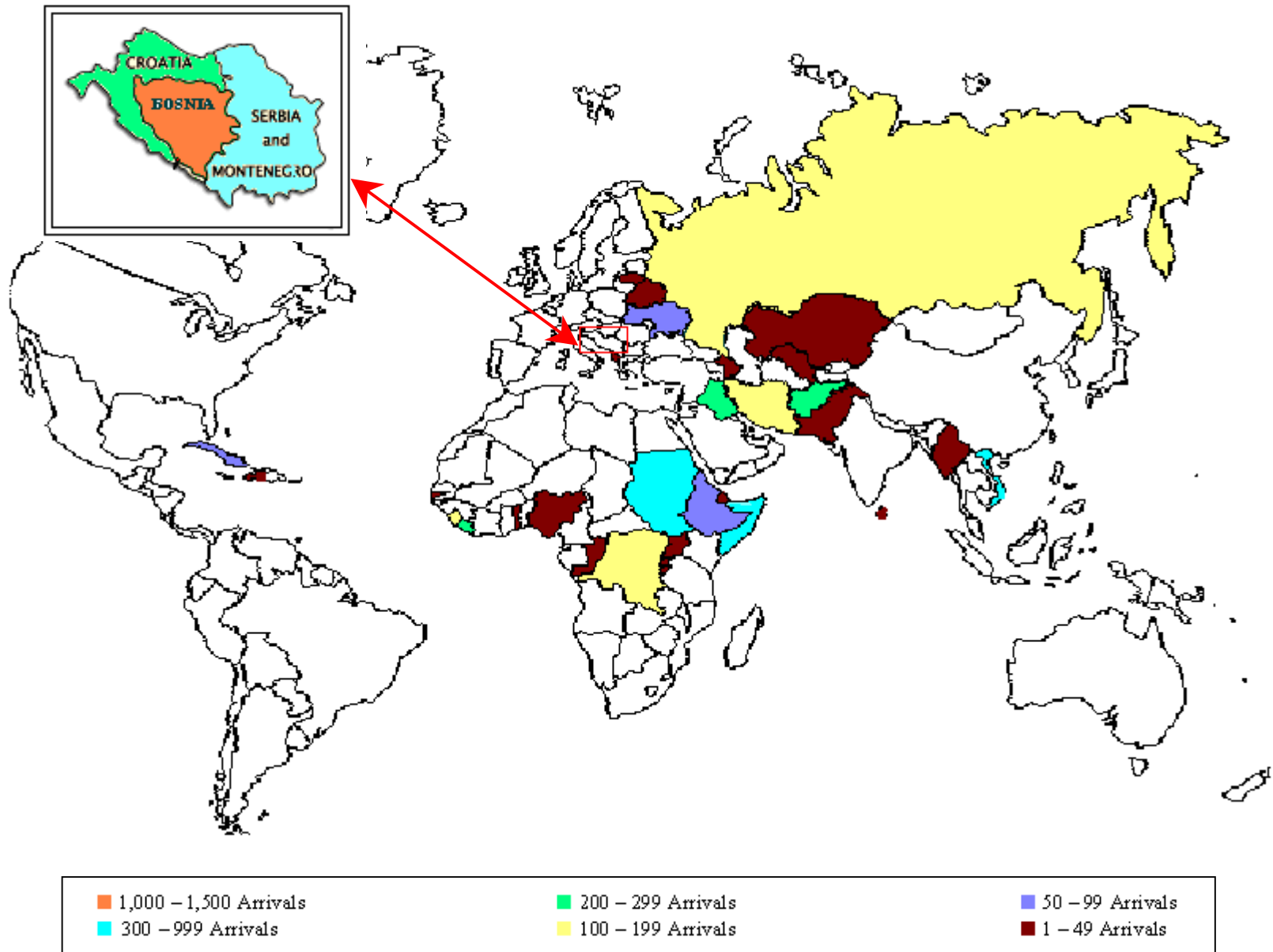
D. Virginia Philosophy & Practice

1. **Program Goals** - The Virginia Refugee Resettlement Program (VRRP) strives to support and foster the earliest possible durable economic self-sufficiency and social self-reliance for newly arriving refugee individuals and families residing in the Commonwealth. It acknowledges the unique strengths, abilities, and contributions that an individual refugee brings to the state. The program's design includes many partners who work together toward this common end by providing resources and tools to the refugee in a sensitive and compassionate way.
2. **A Public/Private Partnership**
 - a. The public responsibility for refugee resettlement lies with the Virginia Department of Social Services through the Office of Newcomer Services (ONS). Through ONS, the Commonwealth declares its commitment to the well being of refugees who arrive in Virginia. Refugees are "qualified aliens" and accorded the same entitlements as the general populace. They are therefore eligible, under the same guidelines, for benefits and services offered by the Department of Social Services (see section IV.D of this manual), in addition to some refugee specific benefits. ONS relies on local departments of social services to ensure that refugees have full access to these programs, benefits, and services.
 - b. Affiliates of private national voluntary agencies (VOLAGs) within the state maintain responsibility for refugee community assignment and placement and the active pursuit of the general welfare of the arriving families.
 - c. Coordination among and cooperation between the VOLAG resettlement providers and public agencies is essential. The relationship must be clearly established on the local level, where

services are rendered. The goal is a seamless delivery of services. Adherence to the belief in this partnership is a testament to what is successful in Virginia.

E. Profile of Virginia Refugees

1. **Overview** - Since 1975, Virginia has resettled nearly 48,000 refugees. Virginia's refugees present many different faces, illustrating that they come from diverse cultural backgrounds and that they have diverse needs.
 - a. Virginia's refugees come from:
 - *Southeast Asia* – Burma, Laos, and Vietnam
 - *Eastern Europe* – Bosnia, Croatia, Serbia, Belarus, and Moldavia
 - *Africa* – Somalia, Sudan, Sierra Leone, Liberia, and Ethiopia
 - *Former Soviet Union* – Russia, Ukraine, Kazakhstan, and Uzbekistan
 - *Middle East* – Iran, Iraq, Afghanistan, and Kurdistan
 - *Latin America* – Haiti and Cuba
 - b. See map of arrival numbers on the next page.



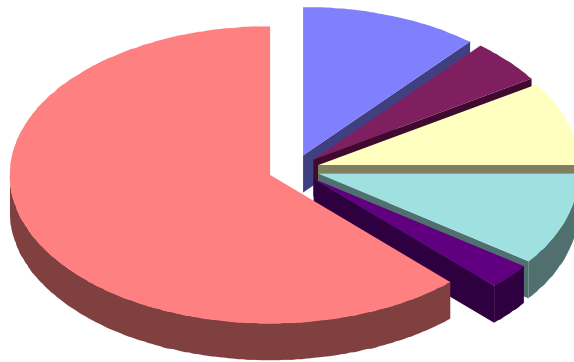
- c. Many newly arriving refugees have survived the anguish of being held captive in horrible and hostile surroundings. A number of them are from developing countries, some have had little to no formal education, some have been very poor, and some are among their country's elite. But almost all arrive in the United States having had little opportunity to prepare for life in a new environment.
- d. Some refugees do not have job skills and/or employment experiences that are readily transferable to the U.S job market. Others arrive with highly specialized skills and training, but with unrealistic expectations of job availability or are unable to pass American standards of certification and accreditation.
- e. Most refugees also arrive with limited English proficiency. They may be illiterate in their own language and they often have health and/or mental health problems that need to be addressed in the early months after their arrival. Given these overwhelming barriers to successful assimilation, refugees are a very vulnerable population.
- f. Most of the refugees arriving in the Commonwealth are joining families already established in local communities (These are called family reunification cases). Those not joining family members (called free cases) are resettled in localities throughout the Commonwealth. Among the newly arrived refugees to Virginia between 1997-2000:
 - approximately 52 percent were male and 48 percent were female; and
 - 67 percent were between the ages of 18 and 64 and thus are potentially employable.

2. Increased Diversity

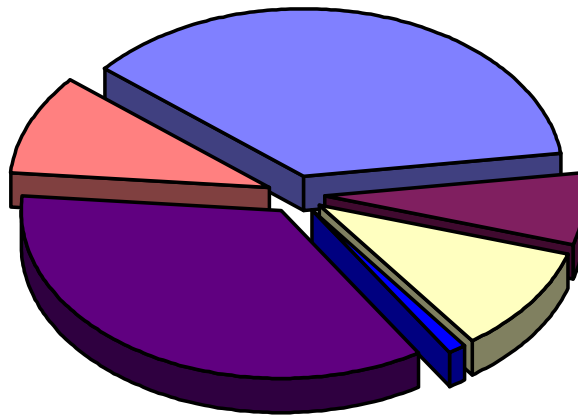
- a. Whereas refugees from southeast Asia, most notably Vietnamese, account for about sixty-two (62) percent of all refugees resettled in Virginia between 1975 and 2000, since 1997, refugees from southeast Asia have represented only ten (10) percent of all new arrivals. Conversely, as a percentage of new arrivals, increases have occurred from the following areas since 1996 (based on 2000 figures):
 - Eastern Europe, from 9 percent to 37 percent
 - The Middle East, from 9 percent to 11 percent
 - Africa, from 7 percent to 35 percent
 - Former Soviet Republics, from 5 percent to 7 percent.

- b. Virginia also has seen a significant increase in the number of asylees who come to the state each year. As the percentage of asylees has increased, so has the need for flexibility within the program, particularly in the areas of fiscal planning and service delivery.
- c. Another notable trend in recent years has been secondary migration – refugees moving into Virginia from other states. Although precise numbers are difficult to obtain, currently it is estimated that almost one-third of all refugees residing in Virginia are secondary migrants.
- d. The relatively new Trafficking Victims Protections Act may also have a significant impact on the refugee resettlement program in the years to come, as it could further change the makeup of the population that is being served.
- e. The graphs on the next page show the change in Virginia refugee arrivals.

October 1, 1974 - September 30, 2000



October 1, 1997 - September 30, 2000



II. VIRGINIA REFUGEE RESETTLEMENT PROGRAM

A. Benefits and Services Available to Refugees

1. Refugees are entitled to apply for the same benefits and service programs that are available to U.S. citizens. They may, therefore, be eligible to receive cash or medical assistance and may also take advantage of a number of service programs that are offered in Virginia (see IV.D.3 of this manual for examples).
2. Refugees who do not meet the requirements for mainstream programs – such as TANF, FAMIS, Medicaid, SSI, etc. – may be eligible for specialized programs that provide benefits and services exclusively to refugees. The Virginia Refugee Resettlement Program is designed to address the particular needs of refugees in order to help them transition to life in the United States and achieve self-sufficiency.
3. This program provides the following benefits and services, in addition to the typical public at large programs, to the refugee population in Virginia:
 - a. Culturally sensitive child welfare services to refugee unaccompanied minors (see section VI in this manual);
 - b. Refugee cash and medical transitional assistance to eligible refugees and their families (RMA & RCA – see sections III & IV);
 - c. Refugee social services (RSS – see section V);
 - d. Domestic Health Assessment (see section II.B.2);
 - e. Targeted assistance, in two federally designated areas of the state, for refugees who are particularly hard to serve and may need special assistance in order to achieve self-sufficiency (see section II.D.2); and
 - f. Specialized services implemented through discretionary programs targeted to address critical unmet needs in refugee communities (e.g. the Refugee Elderly Assistance Program [REAP], designed to meet the special needs of refugees who are age 60 or older and who may have a more difficult time becoming self-sufficient).

B. Virginia's Model for Resettlement

1. **Overview** - Virginia's model of refugee resettlement originates from the purpose of the refugee resettlement program at the federal level, namely promoting effective resettlement through attainment of self-sufficiency at the earliest time possible. This cohesive and comprehensive model of resettlement is a product developed after years of experience of what works best in Virginia. The model is based on the following principles:
 - a. Resettlement is a continuum of services that begins with the VOLAG at arrival in the U.S., moves toward self-sufficiency, and ideally leads to citizenship and full participation in the communities in which refugees reside.
 - b. Long-term public assistance utilization is not an acceptable way of life in America, and is therefore not a resettlement option.
 - c. A refugee's early employment promotes his/her earliest economic self-sufficiency.
 - d. Self-reliance and a sense of personal responsibility must be integrated into each refugee's Comprehensive Resettlement Plan (CRP), which ensures a central point of contact and which is family-based.
 - e. Coalitions of service providers ensure strong public/private partnerships and work to maximize resources.
 - f. Service providers must work in coordination with other agencies to maximize community resources and create a seamless service delivery system.
 - g. Services must be sensitive to cultural issues and must be implemented by a staff that, as closely as possible, mirrors the population served.
 - h. Mutual assistance associations and ethnic organizations bring unique strengths and cultural knowledge to the resettlement process.
 - i. Language access is critical to the resettlement process and must be fostered by all who work in some way with refugees.

2. Domestic Health Assessments

- a. The Domestic Health Assessment for refugees is designed to eliminate health-related barriers to successful resettlement while protecting the health of the U.S. population. Federal law mandates that refugees must receive an overseas medical examination prior to resettlement in the United States. Only those who do **not** have a communicable disease of public health status, current or present physical or mental disorders that are or have been associated with harmful behavior, or a history of drug abuse or addiction are allowed entry into the country.
- b. Once the refugee arrives in Virginia, the resettlement agency should ensure that the individual goes as soon as possible to the designated local health department for a Domestic Health Assessment. This initial medical screening ideally should be completed within the first 30 days of arrival.
- c. The Virginia Department of Health and the Office of Newcomer Services have established a Refugee Health Program to address the needs of refugees, particularly in the initial stages of their resettlement. The Refugee Health Program has established an assessment protocol to serve as a standard for health services to Virginia's newly arriving refugees. For more information, refer to the *Virginia Department of Health Refugee Health Assessment Protocol*.
- d. According to the protocol, the following services should be provided during the Domestic Health Assessment:
 - 1) Follow up of conditions identified during the overseas medical examination.
 - 2) Evaluation and diagnostic services to determine health status and identify health problems.
 - 3) Referral for follow-up of health problems identified (particularly those that may be a potential barrier to the refugee's self-sufficiency). This should include scheduling an appointment and assistance to the refugee in initiating the follow-up process.
 - 4) Education about the availability of health services, expectations, and appropriate utilization.
 - 5) Linkage with primary health care services.
- e. The assessment gathers information about the refugee's health history and makes a general physical assessment of the individual. It also includes an evaluation for Tuberculosis

infection and disease; other communicable conditions; Hepatitis B infection; immunization status; parasitic infections; pregnancy; anemia; and vision, hearing, and dental abnormalities.

- f. It is the responsibility of each health district to provide a qualified interpreter during the assessment for those refugees of limited English proficiency. ***Please refer to section II.E.1 of this manual for a full explanation of the expectations of those who work in some way with refugees.***
- g. A copy of the form that is to be used during the Domestic Health Assessment can be found in *Appendix C* of this manual.

3. Case Management and the Comprehensive Resettlement Plan

- a. From the time that the refugee arrives in the United States, efforts are made to begin the individual on the path to self-sufficiency. This process is initiated during the reception and placement period with the resettlement agency.
- b. At arrival, the resettlement agency should assign a primary case manager to each refugee or refugee family to serve as a central point of contact and accountability. Case managers are responsible for guiding the individual or family throughout the process of assimilation with the goal of leading the refugee and/or the entire family toward the earliest possible achievement of self-support.
- c. Case managers must begin this process with an assessment of the refugee/refugee family's overall needs and skills. With this information, the case manager and the refugee should work together to develop a Comprehensive Resettlement Plan (CRP). The CRP must include strategies to overcome barriers to self-sufficiency and involve each employable family member, not just the primary wage earner, in employment-related services to obtain sufficient earnings for the family's economic independence.
- d. Utilization of refugee cash and medical assistance (RCA & RMA) is an option when the refugee meets eligibility requirements, but must be integrated into a refugee's CRP and plan for self-sufficiency. RCA and RMA should always be considered as temporary aid meant to lead the refugee to self-sufficiency at the earliest possible date (see sections III.C & IV.C of this manual for the time limitations on these programs).

- e. Case management should be done in a culturally sensitive way in order to meet the unique needs of each refugee who is resettled in Virginia. Service providers must ensure that their staffing plans truly reflect the gender, ethnicity, and language characteristics of those being served.

4. Citizenship & Immigration

- a. By federal regulation (45 CFR 400.152), ONS and its contract service providers may not provide services to refugees who have been in the United States for more than 60 months. However, it can continue to offer citizenship and naturalization preparation services, as well as translation and interpretation services beyond this point.
- b. Service providers are encouraged to provide the following citizenship and naturalization preparation services for qualified refugees:
 - 1) English language training;
 - 2) Civics instruction (which may include citizenship classes);
 - 3) Application assistance to adjust status to legal permanent resident or citizen;
 - 4) Assistance to disabled refugees so that they can receive waivers from English and civics requirements for naturalization; and
 - 5) Interpreter services (only for disabled individuals) during the citizenship interview.

C. Administration

- 1. **Introduction** – The Office of Newcomer Services (ONS), a unit within the Division of Community Programs and Resources of the Virginia Department of Social Services, is responsible for the administration of the Virginia Refugee Resettlement Program (VRRP). The Commissioner of DSS has designated the position of State Refugee Coordinator within the Department of Social Services to ensure the effective coordination of public/private resources and the day-to-day management and coordination of the delivery of services and benefits to refugees throughout the Commonwealth.

2. Role and Function of the State Coordinator's Office

a. Program Design and Development

- 1) One of the challenges that ONS faces is to maintain a system that is adaptable to change without losing the focus of refugee self-sufficiency. New refugee groups, changing federal regulations, and national and international events are factors that constantly shape and reshape the refugee resettlement system.
- 2) Policies and guidelines for implementing a state plan are developed by ONS and promulgated through broadcasts, program manuals, updates and clarifications, inter-agency agreements, and Requests for Proposals (RFPs). All of Virginia's policies reflect a model that ONS has developed based on years of successful refugee resettlement and a working knowledge of what works throughout the Commonwealth.

b. Planning and Coordination

- 1) The Office of Newcomer Services plays an important role in the planning and coordination of services and programs, which in some way have an impact on refugees.
- 2) Its responsibilities in this area include:
 - participating in a Department-wide strategic planning process;
 - leading a statewide Directors Group, composed of directors of contract services providers, and the State Refugee Health Coordinator;
 - conducting quarterly consultations with local affiliates of voluntary organizations, contract service providers, ethnic organizations, mutual assistance associations, and other state and local government agencies; and
 - representing the Department of Social Services on task forces, councils, and committees that relate to refugees and immigrants residing in the Commonwealth.

c. Reporting

- 1) ONS is responsible for the timely submission of narrative, statistical and fiscal reports to the federal Office of Refugee Resettlement (ORR).
- 2) These include the Annual Services Plan; the Annual Performance Goal Plan; the ORR 1, 3, 4, & 11; and the Quarterly Performance Reports.

d. Public Education and Outreach

- 1) ONS provides information on refugee and immigrant issues to the Department, state legislators, service providers and private citizens. It assists in policy revisions and clarifications and channels information between service providers, and governmental agencies.
- 2) ONS analyzes and comments on the impact of proposed state legislation that may affect the state's foreign-born populations. ONS also provides information and statistical materials to legislators on the impact newcomers have on the state and its resources.
- 3) ONS serves as a clearinghouse for information on the entire foreign-born population, including refugees. Though the office does not serve non-refugees, it makes referrals to appropriate authorities and agencies. **This is an appropriate role for ONS, since no other state unit has the responsibility of ensuring the welfare of foreign-born populations.**
- 4) ONS educates the Commonwealth's communities on the Refugee Resettlement Program through presentations to community agencies and organizations. It provides information and materials about refugees residing in Virginia, the special challenges they face in adjusting to a new life in America, their impact on services, and the many contributions they make to local communities.

D. Funding

1. **Regular Federal Funding from ORR** – 45 CFR 400.200-400.301 outlines the federal funding that is available to Virginia for the refugee program and the benefits and services mentioned above. Virginia receives 100 percent federal funding to administer the program in the state. The Office of Newcomer Services is responsible for allocating the available funding in a way that follows federal regulations, while at the same time meeting the specific goals that flow from the Virginia model of refugee resettlement.
2. **Targeted Assistance Program (TAP)** – 45 CFR 400.310-400.319 outlines a special source of funding that ORR makes available to targeted areas throughout the United States where there are unusually high refugee populations, high refugee concentrations, and high use of public assistance by refugees. Virginia currently receives targeted assistance grants for two areas in the state, Fairfax County and the City of Richmond. ONS uses TAP funding in these two areas, primarily for employability services, to help refugees who, because of various factors, may have more difficulty

achieving self-sufficiency in the first few months following their arrival. At the discretion of ONS, TAP funding may also be used for services outlined in section V.D.2 of this manual.

E. Requirements of Parties Working with Refugees in Virginia

1. Service Without Discrimination

- a. *Interpretation & Translation* – All state agencies, community-based organizations, national voluntary agencies, mutual assistance associations, and any other entities receiving funding from the Office of Refugee Resettlement, both directly or indirectly, must comply with the Title VI of the Civil Rights Act regarding persons of limited English proficiency (LEP). These health and service agencies, as well as any other organizations that receive funding from the Department of Health and Human Services, must ensure that LEP persons receive language assistance so that they have meaningful access to any benefits and services for which they may be eligible. Because ONS is the channel through which refugee resettlement funds are distributed throughout Virginia, it encourages the above parties to take the following steps (from a policy guidance from DHHS, Office of Civil Rights – see *Appendix D* in this manual):
 - 1) Have a procedure for identifying the language needs of patients/clients.
 - 2) Have ready access to, and provide services of, proficient interpreters in a timely manner during hours of operation.
 - 3) Develop written policies and procedures regarding interpreter services.
 - 4) Disseminate interpreter policies and procedures to staff and ensure staff awareness of these policies and procedures and of their Title VI obligations to LEP persons.
- b. *Religion & Proselytism* – Another aspect of the Title VI prohibition against national origin discrimination applies to the issues of religion and proselytism. It is imperative that service providers ensure that refugees are not discriminated against because of their religious preferences. They must also ensure that no staff person or volunteer attempts to apply pressure upon a refugee to convert to a religion that is not their own. Proselytism must be avoided, as it may send the message to refugees that those of one religious tradition receive greater benefits and services than others.

2. Confidentiality

- a. *Introduction* – Title 45, section 400.27 of the Code of Federal Regulations makes it clear that personal information gathered on a refugee may only be used for administration of the refugee program. Therefore, this information may not be disclosed without the consent of the refugee (or in the case of a minor, the child's parent or guardian). Sub-sections b & c below (written originally for the Services Division of Virginia Department of Social Services) outline rights and responsibilities regarding the issue of confidentiality in the Refugee Resettlement Program as established by Title 2.1, Chapters 21 & 26 of the *Code of Virginia*.
- b. *The Virginia Freedom of Information Act* (Title 2.1, Chapter 21, Section 2.1-340.1 to 2.1-346.1, *Code of Virginia*) ensures the people of the Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy, since at all times the public is to be the beneficiary of any action taken at any level of government. An Attorney General's opinion of May 30, 1973, states that this act does not apply to case records maintained by local departments of social services. All case records remain confidential. Even though a person requests information pursuant to the Virginia Freedom of Information Act, local departments are not required to disclose information, but must:
 - 1) provide a written explanation of why the requested records are not available;
 - 2) cite Section 63.1-53 and/or Section 63.1-209 of the *Code of Virginia*;
 - 3) cite appropriate privacy regulations; and
 - 4) respond to the request within 14 calendar days of the request.
- c. *The Virginia Privacy Protection Act of 1976* (Title 2.1, Chapter 26, *Code of Virginia*) ensures safeguards for personal privacy by record-keeping agencies. The following principles of information practice have been established to ensure safeguards for personal privacy (Section 2.1-378).

Principles for Disclosure:

- There shall be no personal information system whose existence is secret.
- Information shall not be collected unless the need for it has been clearly established in advance.
- Information shall be appropriate and relevant to the purpose for which it has been collected.
- Information shall not be obtained for fraudulent or unfair means.
- Information shall not be used unless it is accurate and current.
- There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.
- There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase, or amend inaccurate, obsolete, or irrelevant information.
- Any agency holding personal information shall assure its reliability and take precautions to prevent its misuse.
- There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used for another purpose.
- The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.

d. Disclosure:

- 1) Title 45 section 400.27.b of the Code of Federal Regulations allows for sharing of certain pieces of information about a refugee or refugee family between the local resettlement agency and the Department of Social Services. The individual's name, address, and phone number, as well as whether or not he or she has applied for or is receiving cash assistance, may be disclosed without written consent of the refugee. This applies only during the first 36 months following the arrival of the refugee into the US and only when it is directly necessary for the administration of the refugee program. Further information may be shared between these and other parties upon the written consent of the refugee, or in the case of a minor, the refugee's parent or guardian. A form has been provided in this manual (see *Appendix E*), which can facilitate obtaining permission to release and share information from the refugee's case file.

- 2) The following was written by the Service Division of the Department of Social Services (vol. VII, section I, chapter C.7), but because it comes from the same section of the *Code of Virginia* (2.1), it can also be applied to refugees and their right to retrieve information about themselves on file with the local Department of Social Services:
- Customers [refugees], guardians, guardians ad litem, and the customers' authorized representatives shall be accorded access to all eligibility and service material contained in local department of social services files, except for mental records under certain conditions. A customer's representative is anyone designated to act in the customer's interest. The customer or representative shall be required to furnish proper identification and a proper release of information.
 - Under the Virginia Freedom of Information Act, medical records can be personally reviewed by the customer or a physician of that customer's choice who is acting as his or her designated representative.
 - An exception to the customer's right to see his or her own records is in the case of mental records, including psychiatric and psychological examination reports. These records may not be personally reviewed by the customer when the treating physician has made a written statement that, in his or her opinion, a review of such records by the customer would be injurious to the customer's physical or mental health or well-being.

3. Reporting Suspected Abuse & Neglect

- a. Virginia has a number of laws and services which are meant to protect those who may be vulnerable to abuse, neglect, and exploitation of some sort. Perhaps the most vulnerable are older adults, disabled adults, and children. An individual in one of these groups who is also a refugee may be even more at risk of abuse and neglect, particularly if he or she is a person of limited English proficiency. In order to ensure that these groups are given adequate protection, Virginia has established mandatory reporting statutes. This means that certain individuals are required by law to immediately report to local departments of social services any suspected abuse or neglect of children, the elderly, or the disabled.
- b. The following is a list of mandated reporters (from Virginia Code § 63.1-248.3 and § 63.1-55.3):

- 1) Any person licensed to practice medicine or any of the healing arts;
 - 2) Any hospital resident or intern, and any person employed in the nursing profession;
 - 3) Any person employed as a social worker;
 - 4) Any mental health professional;
 - 5) Any law-enforcement officer;
 - 6) Any person employed by a public or private agency or facility and working with adults or children; and
 - 7) Any person providing full-time or part-time care to adults or children for pay on a regularly scheduled basis.
- c. These persons are also added to the list of mandated reporters on behalf of children:
- 1) Any probation officer;
 - 2) Any teacher or other person employed in a public or private school, kindergarten or nursery school;
 - 3) Any duly accredited Christian Science practitioner; and
 - 4) Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
- d. Individuals employed by service providers within Virginia's refugee program may be in one of the above categories of mandated reporters. Therefore, they should not hesitate to make a report to their local Department of Social Services whenever they have a suspicion that a refugee (who is a child, elderly, or disabled person) is being abused, neglected, or exploited in some way.

III. REFUGEE CASH ASSISTANCE

A. Introduction

Refugee Cash Assistance (RCA) is a program that provides financial support to needy refugees for a limited period of time, so that they can become self-sufficient in the United States. (*Note: The official and correct name for this program is "Refugee Cash Assistance," not "Refugee Other," which has been used in certain contexts in the past.*) This federally funded program is administrated in Virginia under the supervision of the Office of Newcomer Services through local departments of social services. It provides assistance to refugees who meet the financial criteria of the Temporary Assistance for Needy Families (TANF) program, but may not meet all non-financial criteria. In its scope of benefits and responsibilities, the RCA program mirrors the TANF program. It is, however, a program of last resort, after it has been determined that the individual is not eligible for cash assistance from the TANF or Supplemental Security Income (SSI) programs.

In line with the Virginia Independence Program (VIP) and the Virginia Initiative for Employment Not Welfare (VIEW), the Virginia Refugee Resettlement Program (VRRP) has as its goal to foster the earliest durable economic self-sufficiency and social self-reliance for newly arriving refugee individuals and families residing in the Commonwealth. Because self-sufficiency has been stressed in VRRP from the beginning of the program, which pre-dates VIP/VIEW, and because of the success of employment service providers, the majority of refugees in the state become self-sufficient early on without having to rely on public cash assistance.

B. Eligibility

- 1. Introduction** - Refugees are entitled to receive the full spectrum of public services and resources that are available to U.S. citizens. Therefore, before they can be approved for RCA, it must first be determined whether they are eligible for other assistance programs. The application procedure for TANF, Food Stamps, and RCA is administered at the local Department of Social Services. Applications for SSI must be submitted at the local office of the Social Security Administration.

2. General Requirements for Benefit Programs:

- a. For more detailed information about the non-financial eligibility requirements for benefit programs, consult the following resources:

1) TANF

- *Virginia Department of Social Services TANF Manual*, Chapter 200

2) Food Stamps

- *Food Stamp Certification Manual*, Vol. V, Part VII

3) SSI

- *Social Security Handbook*, Chapter 21 (especially sections 2111-2115); available online at:
http://www.ssa.gov/OP_Home/handbook/ssa-hbk.htm

- b. Here are some of the key non-financial client eligibility requirements for these programs. The individual:

- Must be a U.S. citizen or a qualified alien (refugees fall into this category) with documentation of status.
- Must establish Virginia residency, which can be done simply by verbal acknowledgement of intent to reside in the state.
- Must meet the particular requirements of the program to which he or she is applying.

3. **Financial Eligibility Requirements** – The eligibility worker, and/or the Social Security employee, will assess whether the refugee, in addition to the general requirements, meets the financial limits for the respective programs. For financial guidelines, see the manual of the respective program: **1)** *Virginia Department of Social Services TANF Manual*, section 305; **2)** *Food Stamp Certification Manual*, Vol. V, Parts IX-XII; and **3)** *Social Security Handbook*, sections 2113.1 & 2128-2147.

4. **Documentation** – In order to be considered for any of these benefit programs, it must be verified through INS documentation that the individual meets the “qualified alien” eligibility criteria. This should not pose a problem for the refugee, as long as the proper documentation is presented at the time of application (see *Appendix A* for examples of appropriate documents). Victims of trafficking need only to present their certification letter or letter for children from the Office of Refugee Resettlement. INS documentation is not needed, though the individual may use it for identification purposes.

5. RCA Eligibility

- a. If it is determined that the refugee does not meet the non-financial requirements for TANF or SSI, but does meet the financial eligibility standards for assistance, he or she will automatically be considered for the RCA program (i.e. there is no separate application procedure).
- b. RCA eligibility will be considered as long as the application falls into the established time limit of eight months from the month of arrival in the United States (see section C below for more information about time limits).
- c. The refugee must not be enrolled as a full-time student in an institution of higher education.
 - 1) The only exception to this is when a refugee is enrolled in a one-year re-certification program, which is part of the individual's Comprehensive Resettlement Plan (CRP [see sections II.B.3 & V.E.1 of this manual for details]).
 - 2) The CRP should clearly state how the program would contribute to the refugee's self-sufficiency, in compliance with employability plan specifications outlined in CFR 400.79.
- d. The refugee must provide the name of the sponsoring resettlement agency to the eligibility worker. Asylees and victims of trafficking are exempt from this requirement.

Note about Match Grant: RCA should be distinguished from a federal program called *Match Grant*, which is administered by refugee resettlement agencies. Under *Match Grant*, refugees receive special funds and resources in order to accelerate their self-sufficiency. Therefore, they may receive either Match Grant or RCA – not both.

6. Newborns

- a. Eligibility for cash assistance is established automatically for a newborn child if either of the following conditions apply:
 - 1) Both of the parents are refugees and they meet the financial requirements for a cash assistance program
 - 2) The mother is receiving RCA when the child is born
- b. The eligibility worker should determine whether the child is eligible for TANF before determining eligibility for RCA.

- c. Infants who meet the requirements in 6.a may receive RCA until the end of the mother's eighth month period of eligibility.

A. Time Limits

1. **General Provisions** - If all eligibility requirements have been met, a refugee may receive Refugee Cash Assistance for up to eight months following the month of arrival into the United States. (see Eligibility Timeline in *Appendix H*). For refugees who qualify for assistance, benefits are calculated from the day on which the "Application for Benefits" was filed.
2. **Special Consideration for Asylees & Victims of Trafficking**
 - a. For an asylee, the eight-month eligibility period begins on the month that the individual's status as an asylee was officially granted.
 - b. For a victim of trafficking, the eligibility period begins on the date of certification and ends on the expiration date that is listed in the letter from ORR. The eligibility period lasts eight months from the date of certification, yet ORR also plans to issue follow-up certification letters so that at least some victims of trafficking may continue to be eligible for the program beyond the initial eight months.

B. Benefits

1. **Refugee Cash Assistance** – The RCA program mirrors the TANF program in the cash benefits that refugees may receive. Refer to the *Virginia Department of Social Services TANF Manual*, chapter 500 for policy regarding the payment of benefits.
2. **Food Stamps** – Depending on the refugee's financial and non-financial qualifications, it is possible to receive both RCA payments and Food Stamps. See section IV.F below for details.
3. **Other Virginia Department of Social Services Programs**
 - a. Several additional temporary assistance programs are offered through the Virginia Department of Social Services. Refugees may be eligible for them under certain circumstances. These include:

- 1) *Energy Assistance Program* – provides fuel, crisis, cooling, and weatherization assistance to qualified low-income households.
 - 2) *Disaster Assistance* – supplies funding for victims of a natural disaster. This covers housing, funeral, personal property, transportation, and other expenses incurred by eligible disaster victims following an emergency declaration by the Governor and the President.
 - 3) *State/Local Hospitalization Program* – sends direct payment to hospitals for qualified persons who cannot pay for required medical services. It covers inpatient and outpatient hospitalization, ambulatory surgical services and Health Department clinic visits. It does not pay for physician services however.
- b. Information on these programs can be obtained through the local Department of Social Services or on the Virginia Department of Social Services web page at:
<http://www.dss.state.va.us>

C. Administration

1. Guide

- a. The process to determine a refugee's eligibility for any of the public assistance programs begins when the refugee applies for benefits at the local Department of Social Service (DSS).
- b. The refugee completes the "Application for Benefits" (#032-03-824). Available at the local DSS or on the web at:
http://www.dss.state.va.us/benefit/benefit_form.html
- c. The eligibility worker should conduct a face-to-face interview with the refugee in order to ensure that the information reported is accurate and to obtain necessary documentation (*For expectations of those working with refugees see section II.E of this manual*). The "Request for Assistance" – ADAPT 032-03-875 is also used by agencies during interactive interviews with clients.
- d. If the eligibility worker discovers that the refugee may qualify for Supplemental Security Income (SSI), the individual is referred to the local office of the Social Security Administration in order to file an application for SSI.

- e. A refugee is considered for RCA only after it has been determined that the individual does not qualify for the TANF or SSI programs. The same financial eligibility requirements that are used for TANF should be used to determine eligibility for RCA (see *VDSS TANF Manual*, section 305).
- f. RCA may be used for short-term assistance to individuals with a 'temporary disability' and/or who may be waiting for SSI benefits to begin. RCA funds may also be used when a refugee has an urgent need for cash assistance and needs to be issued an initial payment on an emergency basis while his/her eligibility for cash assistance programs is being determined.
- g. Documentation of refugee status must be presented at the time of application (see *Appendix A*). Victims of trafficking must submit their certification or letter for children in place of any INS documentation (see *Appendix B*). A Social Security Number is not needed to apply for RCA, though the individual should provide proof of application for a Social Security Card. The eligibility worker must assist the refugee in applying for a Social Security Number if he/she has yet to apply for one. (see *Appendix F*). If the refugee does not have a Social Security Card, the eligibility worker should enter a pseudo-Social Security Number into the system (i.e. follow the same procedure that is used with infants who have not been assigned a Social Security Number: 888 plus date of birth or date of application for SSN).
- h. The refugee must not be enrolled as a full-time student in an institution of higher education. If the refugee is a full-time student in a one-year re-certification program (see section IV.B.5.c above), he/she must provide documentation showing that this is part of a comprehensive resettlement program (CRP) established by her/his resettlement agency.
- i. The eligibility worker should notify the sponsoring resettlement agency that the refugee has applied for temporary assistance programs.

2. Procedures for Processing Victims of Trafficking

- a. Upon applying for benefits, the victim of trafficking must present the original copy of the certification letter or letter for children that was received from the Office of Refugee Resettlement (ORR).

- b. If there is a problem confirming the identity of the individual, the eligibility worker should not automatically deny the application, but instead call ORR's trafficking verification line at (202) 401-5510.
- c. The eligibility worker should make a photocopy of the letter, to be retained for the individual's file, and then return the original copy to the applicant.
- d. The worker should then call the trafficking verification line at 202-401-5510 to confirm the validity of the certification letter or letter for children. This should be done before providing any benefits to the applicant.
- e. During the verification phone call, the worker must notify ORR of the benefits for which the individual has applied.
- f. The worker should not contact the SAVE system, as it does not contain information about victims of trafficking. (SAVE stands for System for Alien Verification for Entitlement.)

3. Income Considerations

- a. Income and resources at the date of application, not the average income over the application-processing period, shall be the criteria for eligibility for RCA.
- b. Assets are also considered when determining eligibility for RCA and mirror the stipulations and limits in the *Virginia Department of Social Services TANF Manual*, Chapter 300. Any assets that refugees may hold in their land of origin should not be considered against the limits set for medically needy individuals.
- c. The income and resources of a refugee's sponsor(s) cannot be used in determining eligibility for the RCA program, nor can shelter or in-kind resources provided to the refugee by the sponsor.
- d. Any cash assistance payments to the refugee under the Department of State or Department of Justice Reception and Placement program should not be counted as income or assets.
- e. Income and assets should be compared to the eligibility standards in the appendices of section 305 of the *Virginia Department of Social Services TANF Manual*.

4. Title VI & Persons with Limited English Proficiency

- a. Title VI of the Civil Rights Act of 1965 requires that agencies and service providers offer language assistance in order that refugees may have meaningful access to the full spectrum of services, resources, and programs that are available to them.
- b. ***Please refer to section II.E.1 of this manual for a full explanation of the expectations of those who work in some way with refugees.***

5. Protocol and Communication

- a. The Office of Newcomer Services regards successful refugee resettlement to be a continuum - involving the efforts of many actors working cooperatively over a period of time - which leads from the refugees' initial arrival into Virginia to self-sufficiency, and ideally citizenship and full participation in the communities in which they reside.
- b. It is essential that the resettlement agency, service providers, health workers, and the local Department of Social Services work together to make sure that refugees have full access to all of the benefits and services they are entitled to receive. In order to promote good interaction between these parties and to facilitate effective operations, a plan for protocol and communication should be put in place.
- c. ***See V.E.1-2 in this manual for more details as to how this can be accomplished.***

D. Food Stamps

- 1. **Introduction** – The majority of refugees, with the help of the employment specialists in the VRRP program, find jobs soon after their arrival to the United States and are able to become self-sufficient without having to utilize public cash assistance. However, the Food Stamp Program is one of the most commonly utilized benefits programs among Virginia's refugee population. Many refugees can meet the eligibility requirements for food stamps during their first few months in the U.S. and welcome the extra assistance in providing meals for their families. Because this is such an important supplement to the few resources available to refugees during their transition to life in America, it is important that eligibility workers follow certain steps so that the refugee is not disqualified unnecessarily from the program.

2. Resources

- a. For more detailed information about the Food Stamp Program, please consult the following:
 - *Food Stamps Certification Manual, Vol. V*
- b. For income eligibility standards, see part 11. For non-financial eligibility criteria, see part 7. For employment services, see parts 8, 12, and 15.

3. Guide

- a. Typically, refugees apply for food stamps at the same time that they apply for other benefits programs.
- b. Eligibility workers should automatically consider the refugee applicant for food stamps, even if it appears that the refugee may not be eligible for the RCA or RMA programs.
- c. With regard to income, the eligibility worker should follow the same principles that are employed when determining a refugee's eligibility for any of the other public benefit programs (see section IV.E above). This means that any resources provided to the refugee from the resettlement agency for reception and placement should **not** be counted as income.
- d. The majority of the reception and placement funding granted to the resettlement agency for the refugee is used to establish a home for the refugee and his family. Therefore, a portion of these funds can be considered "exempt resources," as they are used to provide household goods (see the *Virginia Department of Social Services Manual, vol. V: Food Stamps Manual, part 9, page 10*).
- e. The remainder of the reception and placement funds should not be counted when determining income because they fall into the category of "in-kind benefits and vendor payments" (see the *Food Stamps Manual, part 11, pages 12-13*).
- f. Apart from reception and placement funding, any income gained by the refugee through employment or other means should be considered when making an eligibility determination for food stamps (see the *Food Stamps Manual, part 11, pages 1-11*).

4. Work Requirements

- a. Anyone of age 18 to 50 who is receiving food stamps and is able to work must fulfill certain work requirements in order to remain eligible for the Food Stamp Program (see the *Food Stamps Manual, part 15, pages 2-3* for exemptions to the work requirement).
- b. The Food Stamp Employment Training Program (FSET) is operated by local Departments of Social Services. The local agency has some flexibility in how it implements the employment component of the program. Therefore, the Office of Newcomer Services recommends that the provisions outlined in section G below be applied to the Food Stamp Program as well as the TANF Program.

E. Employment Considerations

1. Refugee Resettlement and the Work Component of TANF

- a. One of the key principles of the model of refugee resettlement in the state of Virginia is that a refugee's early employment promotes his/her earliest economic self-sufficiency (see section II in this manual). This is clearly in line with the "work-first" philosophy that is in operation in the TANF program through the Virginia Independence Program (VIP) and the Virginia Initiative for Employment not Welfare (VIEW). Therefore, it is expected that refugees in the TANF program will abide by the requirements of VIEW.
- b. The Office of Newcomer Services promotes the belief that refugees are best served by a community-based system of care that is comprehensive, coordinated, and responsive to the strengths and needs of refugees and their families. Therefore, it is essential that the Employment Service Worker in the local Department of Human Services and the refugee's resettlement provider work closely together to develop a realistic plan that will lead to the refugee's earliest self-sufficiency. ONS recommends that a representative from the resettlement provider be present during the initial assessment of the refugee for the VIEW program and be an active participant in the completion of the VIEW Activity and Service Plan.
- c. Refugees receiving TANF must comply with the VIEW program requirements – meeting all of the established deadlines – and are not exempt from any sanctions if they do not comply.

However, careful consideration should be given at the outset to the rights accorded to persons of limited English proficiency (LEP) under Title VI of the Civil Rights Act. At every step in the process, the refugee resettlement provider **and** the local Department of Social Services must ensure that the refugee is not denied full-access because they have not been given proper translation and interpretation services.

- c. English Language Training (ELT) should be worked into the VIEW Activity and Service Plan, as well as the provider's Comprehensive Resettlement Plan, so that it is offered **concurrently** with employment services (see also section V in this manual).
- d. ELT can be used to waive the "up-front job search" requirements (including the 40 job contacts) if it is determined that it would be in the interest of the refugee and would lead more quickly to his or her self-sufficiency. This provision is based on chapter 1000, section 7.A.1.h of the *TANF Manual*. It should be noted that ELT is considered a "vocational education program" for the purposes of the VIEW program, because having an adequate command of the English language is an important factor in the refugee's finding and sustaining employment in the United States.

2. Work Requirements for the RCA Program

- a. Though a refugee is not required to participate in VIEW unless s/he is receiving benefits from the TANF program, early employment is still a high priority.
- b. Refugee Cash Assistance, therefore, is to be considered transitional aid leading the refugee toward the earliest possible self-sufficiency.
- c. Work requirements are established by the employment specialist of the refugee's resettlement agency (or another designated service provider). These are worked into the refugee's Comprehensive Resettlement Plan (CRP). See section V.E.1 and V.E.3 of this manual for more information about the CRP.

3. Asylees & Employee Authorization Documents

- a. Asylees cannot receive a Social Security Card (other than one that states it is not valid for employment) without an

Employment Authorization Document (EAD) issued by the Immigration and Naturalization Service (INS).

- b. Employers need either a Social Security Card or an EAD from the asylee in order to process the I-9 form with the INS, so that the individual may begin employment.
- c. The asylee needs to file INS Form I-765 to apply for the EAD. The form can be obtained by calling 1-800-870-3676. It can also be downloaded from the INS web page at the following link:
<http://www.ins.usdoj.gov/graphics/formsfee/forms/i-765.htm>
- d. The I-765 should be sent to the INS Regional Service Center at this address:
INS Service Center
P.O. Box 87765
Lincoln, NE 68501-7765
(Note: please check with the local INS field office to verify the current listing for addresses, phone numbers, and web sites.)
- e. If the INS does not approve or deny the asylee's application within 30 days, an Interim EAD can be requested from an INS district office. INS will sometimes issue an Interim EAD along with the asylum letter; still, the asylee must apply for a regular EAD.
- f. The Interim EAD, which serves to authorize employment until the EAD arrives, can be obtained by the asylee through a personal appearance at the nearest district office (either Alexandria or Norfolk – see *Appendix G* for the location of these offices). All documentation that the INS has sent to the asylee about the employment authorization application, along with proof of identity, should be presented to the INS employee.
- g. A general overview of the application process for the EAD is available on the web at:
<http://www.ins.usdoj.gov/graphics/howdoi/ead.htm>

F. Notices and Appeals

1. Notification of Approval or Denial

- a. After a refugee has applied for assistance programs, the local Department of Social Services will provide notice to the individual of the determination. This should be done in a timely manner, and should in no case exceed:

- 30 days of application for the RCA program
 - 45 days of application for TANF (the Office of Newcomer Services recommends that local agencies adopt a policy of notification within 30 days, in order to mirror the RCA program)
 - 30 days of application for Food Stamps (seven days for those qualified for expedited service)
- b. The notification should clearly indicate the programs for which the refugee has been denied and/ or approved (i.e. TANF, RCA, Food Stamps, etc.).
- c. Notice should also be given in a timely manner (at least 10 days before the action is to occur) for reductions, suspensions, and terminations.
- d. Any communication between the local agency and the refugee should be written in English and in the individual's native language, if it is the language of a group that forms a significant portion of the recipient population. If the individual's native language does not fit this category, **the agency will be responsible for at least providing verbal translation of the notice to the refugee.**
- e. If the individual is determined ineligible for assistance, the notice must include an explanation of ineligibility, along with a statement about the refugee's right to appeal the decision.

2. Appeals

- a. Refugees who have applied for or are receiving some form of temporary assistance have a right to appeal in the following instances:
- 1) When they have been denied eligibility.
 - 2) When they have not been notified of the determination within 30 or 45 days of application (see section H.1 above).
 - 3) When they disagree with the amount of financial assistance they have been awarded.
 - 4) When they have received advance notice of a reduction or termination in benefits.
- b. The appeal must be received within 90 days of notification for Food Stamps and 30 days for financial assistance in order to be considered.

- c. Provision must be made by the local Department of Social Services to ensure that access to the appeal process is not denied in any way because of the refugee's limited English proficiency (see sections II.E.1 and IV.E.3 in this manual).
- d. If the refugee has been receiving benefits or services and makes an appeal in a timely manner, any action to change the status of the case will not take effect until after the appeal process has been completed. Benefits are subject to recovery by the agency, however, if the case is sustained.
- e. A decision on the case will be made in writing within 60 days of the date that the refugee requests a hearing. The hearing officer's decision may be appealed to the Administrative Review Panel of the Appeals & Fair Hearings Unit.
- f. The refugee should be notified that free legal advice can be obtained through the local legal aid office.

G. *Unaccompanied Minors* – The Office of Newcomer Services, through a private contract agency, sponsors a program that resettles unaccompanied refugee minors in the state of Virginia. These refugee youth are eligible to receive the full range of services and benefits to which children in foster care in Virginia are entitled, including foster care maintenance and support services. For more information about the Unaccompanied Minors Program, see section VI in this manual.

IV. REFUGEE MEDICAL ASSISTANCE

A. Introduction

Refugee Medical Assistance (RMA) is a short-term, federally funded program designed to ensure that refugees receive the medical care they need while they make the transition to life in the United States. It is, however, a program of last resort, after it has been determined that the individual is not eligible for Medicaid or the Family Access to Medical Insurance Security Plan (FAMIS), the two primary public medical assistance programs in the state. *Note: The official and correct name for this program is "Refugee Medical Assistance," not "Refugee Medicaid Other," which has been used in certain contexts in the past.*

A number of the refugees who come to Virginia have had to endure terrible hardships in their war-torn homelands and in refugee camps. For this reason, many of them have had little or no access to medical care for some time. The RMA program ensures that needy refugees get adequate treatment from the time of their arrival to reduce the risk that health issues will delay them from becoming self-sufficient and leading stable lives.

B. Eligibility

1. **Introduction** – Refugees are entitled to receive the full spectrum of public services and resources that are available to U.S. citizens. Therefore, with regard to medical services, the first step is to see if they are eligible for Medicaid or FAMIS. (Many refugees have already had some contact with the U.S. health system through the Domestic Health Assessment [see section II.B.2].) The application procedure for Medicaid is administered at the local Department of Social Services. Eligibility for FAMIS is determined by the Department of Medical Assistance Services (DMAS). It is important that each member of the family unit be evaluated individually for eligibility before any consideration is given to RMA.
2. **General Requirements for Medicaid and FAMIS** – For more detailed information about the non-financial eligibility requirements for Medicaid and FAMIS, consult the following resources:

Virginia Department of Social Services Manual, V. 13: Medicaid, chapter M02 (esp. Subchapter 20, "Citizenship & Alien Requirements")

Virginia Medicaid Handbook, pp. 1-2; distributed by:

Department of Medical Assistance Services
600 East Broad Street
Suite 1300
Richmond, VA 23219

and available on the web at:

http://www.cns.state.va.us/dmas/recipient/medicaid_hand_book.htm

Department of Medical Assistance Services web page, link to the FAMIS program:

on the web at:

<http://www.famis.org/English/Materials.htm>

or for more information call:

1-866-87FAMIS (1-866-873-2647)

Here are some of the client non-financial eligibility requirements.

The individual:

- Must be a U.S. citizen or a qualified alien (refugees fall into this category) with documentation of status.
- Must establish Virginia residency. This can be done simply by verbal acknowledgement of intent to reside in the state.
- Must provide Social Security Number or, at least, proof of application (see section III.E.1.d in this manual for details).
- Must fall into one of the covered groups (i.e. Pregnant women and newborns under age one, children under age six, children age 6-19, low income families with children, SSI, etc.).

The eligibility worker (and the DMAS Central Processing Unit for FAMIS applicants) will also assess the refugee's financial eligibility, according to the standards established for Virginia's medical assistance programs. These are printed in the eligibility chart in the appendices of section M0710 of the *Virginia Medicaid Manual*.

3. **Documentation** – In order to be considered for any of the medical assistance programs, it must be verified through INS documentation that the individual meets the "qualified alien" eligibility criteria. This should not pose a problem for the refugee, as long as the proper documentation is presented at the time of application. See *Appendix A* for examples of appropriate documents. Consult also the *Medicaid Manual*, V.13, M0220, *Appendix 3*. Victims of trafficking need only to present their certification letter or letter for children from the Office of Refugee Resettlement (see *Appendix B*). INS documentation is not needed, though the individual may use it for identification purposes.

4. RMA Eligibility

- a. If it is determined that the refugee does not meet the non-financial requirements for Medicaid or FAMIS, but does meet the medically needy financial eligibility standards, he or she will automatically be considered for the RMA program (i.e. there is no separate application procedure).
- b. RMA eligibility will be considered as long as the application falls into the established time limit of eight months from the date of arrival in the United States (see section C below for more information about time limits).
- c. The refugee must not be enrolled as a full-time student in an institution of higher education.
 - 1) The only exception to this is when a refugee is enrolled in a one-year re-certification program, which is part of the individual's Comprehensive Resettlement Plan (CRP [see sections II.A.2 & V.E.1 of this manual for details]).
 - 2) The CRP should clearly state how the program would contribute to the refugee's self-sufficiency, in compliance with employability plan specifications outlined in CFR 400.79.
 - 3) If a refugee who is receiving Refugee Medical Assistance decides to enroll as a full-time student in a program that is not for the purpose of re-certification, the individual will no longer be eligible to receive RMA benefits.
- d. The refugee must provide the name of the sponsoring resettlement agency to the eligibility worker. Asylees are exempt from this requirement.

5. Newborns

- a. Eligibility for medical assistance is established automatically for a newborn child if either of the following conditions apply:
 - 1) Both of the parents are refugees and they meet the financial requirements for a medical assistance program; or
 - 2) The mother is receiving RMA when the child is born.
- b. The eligibility worker should determine whether the child is eligible for Medicaid or FAMIS before determining eligibility for RMA.
- c. Infants who meet the requirements in 5.a may receive RMA until the end of the mother's eight-month period of eligibility.

6. Financial Considerations

- a. *Financial requirements* – The RMA program uses the same financial standards that are used for other public assistance programs to determine eligibility (see the financial eligibility charts in the appendices of section M0710 of the *Virginia Medicaid Manual*).
- b. *Spend-down* – As with Medicaid, the RMA program has the provision of “spenddown” for those who meet all of the eligibility requirements except for income. This means that an applicant can establish Medicaid or RMA eligibility when the amount of his/her incurred medical expenses equals his/her spenddown liability. The spenddown liability is the difference between the individual’s countable income and the medically needy income limit. Similar to an insurance deductible, once this difference is met, the individual is eligible for the remainder of the period, which can last up to six months.
- c. *Refugee Cash Assistance* – A refugee is not required to apply for the Refugee Cash Assistance (RCA) program in order to be considered for the Refugee Medical Assistance program. However, once determined eligible for RCA, the refugee is automatically qualified for RMA (as long as he or she is not eligible for Medicaid or FAMIS). If found ineligible for RCA, the refugee may still be able to qualify for RMA.
- d. *Note about Match Grant* – RCA should be distinguished from a federal program called *Match Grant*, which is administered by refugee resettlement agencies. Under *Match Grant*, refugees receive special funds and resources in order to accelerate their self-sufficiency. Therefore, they may receive either Match Grant or RCA – not both. However, if a recipient of Match Grant is determined to be ineligible for Medicaid or FAMIS, he/she is eligible for RMA if he/she meets normal requirements.
- e. *Virginia’s HIPP program* – Refugees receiving benefits from Medicaid who are also employed may qualify to participate in Virginia’s Health Insurance Premium Program (HIPP). Under this program, Medicaid will pay for optional health care offered by the refugee’s employer if it is more cost effective and/or provides more benefits than regular Medicaid programs. The Virginia Department of Medical Assistance Services (DMAS) evaluates each case to determine eligibility for HIPP.

C. Time Limits

1. General Provisions

- a. If all eligibility requirements have been met, a refugee may receive Refugee Medical Assistance for up to eight months, beginning with the month of arrival into the United States (see *Appendix H* for Eligibility Timeline).
- b. For refugees who qualify for assistance, the period of coverage begins on the first day of the month of application. However, the refugee may be eligible for three months of retroactive coverage if all financial and non-financial requirements are met. For example, if a refugee arrives in January but does not apply for medical assistance until April, he may be able to get reimbursement for a medical service that was rendered at some point in January after his arrival.

2. Special Consideration for Asylees & Victims of Trafficking

- a. For an asylee, the eight-month eligibility period begins in the month that the individual's status as an asylee was officially granted (ex. If asylum were granted to an individual on March 15, 2002, then the last day of the eligibility period would be October 31, 2002).
- b. For a victim of trafficking, the eligibility period begins on the date of certification and ends on the expiration date that is listed in the certification letter from the Office of Refugee Resettlement (ORR). The eligibility period lasts eight-months from the date of certification, yet ORR plans to also issue follow-up certification letters so that at least some victims of trafficking may continue to be eligible for the program beyond the initial eight months.

D. Services

Refugees who are covered under the Refugee Medical Assistance program receive the same medical coverage as anyone on Medicaid. There are a number of services provided to refugees through this program, like inpatient and outpatient hospital care, physician's services, psychiatric or psychological treatment, prescription drug coverage, home health care, and family planning. See the *Virginia Medicaid Manual* for a comprehensive list of the services provided.

E. Administration

1. Guide

- a. Though in most cases refugees will apply for Medicaid during their initial interview to determine eligibility for TANF, it is possible to apply for Medicaid without applying for TANF or having a face-to-face interview. This can be done by filling out and returning the "Application for Benefits" (# 032-03-824), to the local Department of Social Services.
- b. The eligibility worker should assess each family member individually when refugees submit an application and/or come in for an interview.
- c. Eligibility should be assessed for programs in the following order and priority: 1) Medicaid, 2) FAMIS, and 3) RMA. Consequently, RMA will be considered an option of last resort. *(Note: Waiting excessively for a Department of Medical Assistance Services [DMAS] determination for a FAMIS application should not keep an eligible refugee from receiving benefits from the RMA program. If it appears that there will be a long delay before a determination for FAMIS is made by DMAS, the eligibility worker should put the eligible refugee on RMA provisionally, until a decision has been reached by the FAMIS staff.)*
- d. Documentation of refugee status must be presented at the time of application (see *Appendix A*). Victims of trafficking must submit their certification letter or letter for children in place of any INS documentation (see *Appendix B*). A Social Security Number is not needed in order to apply for RMA, though the individual should provide proof of application for a Social Security Card. The eligibility worker must assist the refugee in applying for a Social Security Number if he/she has yet to apply for one (See *Appendix F*). If the refugee does not have a Social Security Card, the eligibility worker should enter a pseudo-Social Security Number into the system (i.e. follow the same procedure that is used with infants who have not been assigned a Social Security Number: 888 plus date of birth or date of application for SSN).
- e. If the refugee is a full-time student in a one-year re-certification program (see section III.B.4.c above), he/she must provide documentation showing that this is part of a comprehensive

resettlement plan (CRP) established by her/his resettlement agency.

- f. The eligibility worker should notify the VOLAG affiliate (the sponsoring resettlement agency) that the refugee has applied for medical assistance.

2. Procedures for Processing Victims of Trafficking

- a. Upon applying for benefits, the victim of trafficking must present the original copy of the certification letter or letter for children that was received from the Office of Refugee Resettlement (ORR).
- b. If there is a problem confirming the identity of the individual, the eligibility worker should not automatically deny the application, but instead call ORR's trafficking verification line at (202) 401-5510.
- c. The eligibility worker should make a photocopy of the letter, to be retained for the individual's file, then return the original copy to the applicant.
- d. The worker should then call the trafficking verification line at 202-401-5510 to confirm the validity of the certification letter or letter for children. This should be done before providing any benefits to the applicant.
- e. During the verification phone call, the worker must notify ORR of the benefits for which the individual has applied.
- f. The worker should not contact the SAVE system, as it does not contain information about victims of trafficking.

3. Income Considerations

- a. Income and resources at the date of application, not the average income over the application-processing period, shall be the criteria for determining eligibility for RMA.
- b. Assets are also considered when determining eligibility for RMA and mirror the stipulations and limits in the *Virginia Medicaid Manual*, Section M0610. Any assets that refugees may hold in their land of origin should not be considered against the limits set for medically needy individuals.

- c. The income and resources of a refugee's sponsor(s) cannot be used in determining eligibility for the RMA program, nor can shelter or in-kind resources provided to the refugee by the sponsor.
- d. Any cash assistance payments to the refugee (TANF, RCA, Match Grant, or Reception and Placement funds) should not be counted as income or assets.
- e. Income and assets should be compared to the eligibility standards in the appendices of section M0710 of the *Virginia Medicaid Manual*.

4. Continued Coverage

- a. Once a refugee has been determined eligible for RMA, any earnings from employment will not impact eligibility for medical assistance, which will continue to the end of the eight-month eligibility period.
- b. If a refugee is entitled to receive Medicaid, then during the first eight months following arrival into the U.S. becomes ineligible because of employment earnings, the individual is directly transferred to RMA for the remainder of the eight-month eligibility period. No further screening is done to determine financial need.
- c. If a refugee receiving RMA enrolls in an employer sponsored health insurance program, then the employer-sponsored insurance becomes the primary coverage and RMA becomes the secondary coverage. RMA may pick up costs that the employer-sponsored insurance will not pay.

5. Title VI & Persons with Limited English Proficiency

- a. Title VI of the Civil Rights Act of 1965 requires that agencies and service providers offer language assistance in order that refugees may have meaningful access to the full spectrum of services, resources, and programs that are available to them.
- b. ***Please refer to section II.E.1 of this manual for a full explanation of the expectations of those who work in some way with refugees.***

6. Protocol and Communication

- a. The Office of Newcomer Services regards successful refugee resettlement to be a continuum - involving the efforts of many actors working cooperatively over a period of time - which leads from the refugees' initial arrival into Virginia to self-sufficiency, and ideally citizenship and full participation in the communities in which they reside.
- b. It is essential that the resettlement agency, service providers, health workers, and the local Department of Social Services work together to make sure that refugees have full access to all of the benefits and services they are entitled to receive. In order to promote good interaction between these parties and to facilitate effective operations, a plan for protocol and communication should be put in place.
- c. ***See V.E.1-2 in this manual for more details as to how this can be accomplished.***

F. Notices and Appeals

1. Notification of Approval or Denial

- a. After a refugee has applied for Medicaid, FAMIS, and/or RMA, the local Department of Social Services will provide notice to the individual of the determination. This should be done in a timely manner, and should in no case exceed 45 days (the Office of Newcomer Services recommends that local agencies adopt a policy of notification within 30 days, in order to mirror the RCA program – see section IV.H in this manual).
- b. The notification should clearly indicate the programs for which the refugee has been denied and/or approved (i.e. Medicaid, FAMIS, or RMA).
- c. Any communication between the local agency and the refugee should follow the provisions for Title IV, as enumerated in II.E.1 of this manual.

2. Appealing a Denial of Medical Assistance

- a. Refugees who have applied for or are receiving Medicaid, FAMIS, and/or RMA have a right to appeal in the following cases:

- 1) When they have been denied eligibility.
 - 2) When they have not been notified of the determination within 45 days of application.
 - 3) When they have been denied any medical services that normally are covered under Medicaid, FAMIS, or RMA.
- b. In order to be considered, the appeal must be received by the Appeals Division of the Department of Medical Assistance Services (DMAS) within 30 days of the receipt of notification of a.1, a.2, or a.3 above.
 - c. Provision must be made by the local Department of Social Services to ensure that access to the appeal process is not denied in any way because of the refugee's limited English proficiency.
 - d. If the refugee has been receiving medical assistance and makes an appeal in a timely manner, medical benefits will continue during the appeal (though in no case shall benefits be extended beyond the eight-month eligibility period for individuals in the Refugee Resettlement Program). However, if the appeal is lost, the individual will be responsible to pay back the full amount of any bills that were covered during the appeal process.
 - e. DMAS will make a decision about the appeal within 90 days of receipt. This decision can be appealed to the Circuit Court in the refugee's city or county of residence.
 - f. The refugee should be notified that free legal advice can be obtained through the local legal aid office.
- G. ***Unaccompanied Minors*** – The Office of Newcomer Services, through a private contract agency, sponsors a program that resettles unaccompanied refugee minors in the state of Virginia. These refugee youth are eligible to receive the full range of services and benefits to which children in foster care in Virginia are entitled, including medical assistance. For more information about the Unaccompanied Minors Program, see section VI in this manual. *Note: The official and correct name for this program is the "Refugee Unaccompanied Minors Program," not the "Refugee Medicaid Unaccompanied Minors Program," which has been used in certain contexts in the past.*

V. REFUGEE SOCIAL SERVICES

A. Introduction

Refugee Social Services (RSS) is the name for any number of services that may be provided to refugees under part 400.140-400.156 of title 45 of the Code of Federal Regulations. These services are meant to help the refugee in the transition to life in the United States. The primary emphasis of the program is to foster the idea of personal responsibility and to promote the economic self-sufficiency of each refugee as soon as possible. For this reason, employment related services are given first priority. However, any number of services may be used to help bring about the self-sufficiency of refugees, who in many cases have gone through significant hardship and deprivation in the months and years prior to their arrival in America.

The Office of Newcomer Services regards successful refugee resettlement to be a continuum - involving the efforts of many actors working cooperatively over a period of time - which leads from the refugees' initial arrival into Virginia to self-sufficiency, and ideally citizenship and full participation in the communities in which they reside. An array of service programs is available to refugees at various stages along this continuum.

Virginia's case managed and family based approach to the RSS program is designed to ensure that the special needs of each refugee are met in the resettlement process. The primary goal in providing these services, however, is to foster the social and economic self-sufficiency of refugees as soon as possible following their arrival. This is accomplished through the Comprehensive Resettlement Plan, which is the primary mechanism for accomplishing refugee self-sufficiency in Virginia.

B. Eligibility & Time Limits

1. Immigration status

- a. Eligibility for RSS is only for those refugees who meet the requirements for one of the categories described in section I.C of this manual.
- b. The individual's status must be verified through INS documentation, which is presented during the initial meeting with the case manager (see *Appendix A* for examples of appropriate documentation). Victims of trafficking need only

submit their certification letter or letter for children issued by the Office of Refugee Resettlement.

2. Age

- a. A refugee must be age 16 or older in order to be the direct recipient of services through the RSS program.
- b. *Note:* Refugees who qualify for the Refugee Unaccompanied Minors program are treated separately in section VI of this manual.

3. Student status

- a. In order to qualify for services, the refugee must not be enrolled as a full-time student in an elementary or secondary school.
- b. However, a refugee who is a full-time student and age 16 or above may receive services to assist in finding part-time or temporary employment. This can include summer work or a part-time job while still in school.
- c. Services may also be used to prepare the refugee for permanent employment following graduation.

4. Time Limits

- a. Service providers should concentrate their services, resources, and funding on refugees who have been in the United States for less than 12 months. However, a refugee is eligible to receive social services for up to 60 months, as established by 45 CFR 400.152.
- b. Citizenship and naturalization services, along with referral and interpreter services, may extend past this 60-month limit.
- c. The Office of Newcomer Services monitors providers to ensure that individuals who have arrived within the past 12 months are receiving priority for services. Additional services are provided to individuals or families who have not reached durable self-sufficiency in the first year for up to an additional 24 months. Some discretionary projects may serve refugees beyond this point.
- d. Any long-term vocational, educational, or other training programs should be designed to lead the refugee to

employment within the first year following arrival (and should be concurrent with employment).

C. Priority in Providing Services

1. **Except in extreme circumstances, Virginia provides services to individuals and families in the following order of priority:**
 - a. All newly arriving refugees during their first year in the U.S. who apply for services.
 - b. Refugees who are receiving cash assistance.
 - c. Unemployed refugees who are not receiving cash assistance.
 - d. Employed refugees in need of services to retain employment, achieve job upgrades, or attain economic independence
2. **Note:** Refugee women must receive the same opportunities as men in these services, including job placement programs.

D. Services Available

1. Refugee Social Services (RSS) in Virginia

- a. 45 CFR 400.154 & 400.155 list all of the possible services that states may choose to provide to refugees with the federal funding that they receive each year for RSS. Though Virginia provides a number of these services to refugees in many parts of the state, the Office of Newcomer Services (ONS) considers the strengths and resources of each local community when making decisions about the allocation of RSS dollars. ONS strives to ensure that refugees have available to them the highest quality of services from the communities which will become their new homes. These services are an important aspect of each refugee's Comprehensive Resettlement Plan (CRP). The focus at all points in the plan is on how these services will assist refugees to become self-sufficient and contributing members of their communities as rapidly as possible.
- b. Virginia's refugee resettlement program negotiates and executes interagency agreements and contracts with public and private agencies, directing RSS funds to the local communities where refugees reside. ONS issues Requests for Proposals for various types of refugee resettlement services and contracts with the programs that are most responsive to the resettlement program model (see section II of this manual). Preference is given to coalitions of providers or partnerships, which have the

capacity to provide services described below in a seamless and non-duplicative service delivery system to refugees.

2. Description of Possible Services:

(The following list [a-o] is from 45 CFR 400.154 & 400.155.)

- a. *Employment services*, including development of a family self-sufficiency plan and an individual employability plan, world-of-work and job orientation, job clubs, job workshops, job development, referral to job opportunities, job search, and job placement and follow-up.
- b. *Employability assessment services*, including aptitude and skills testing.
- c. *On-the-job training*, when such training is provided at the employment site and is expected to result in full-time, permanent, unsubsidized employment with the employer who is providing the training.
- d. *English language instruction*, with an emphasis on English as it relates to obtaining and retaining a job.
- e. *Vocational training*, including driver education and training when provided as part of an individual employability plan.
- f. *Skills recertification*, when such training meets the criteria for appropriate training in Title 45, section 400.81(b) of the Code of Federal Regulations.
- g. *Day care for children*, when necessary for participation in an employability service or for the acceptance or retention of employment. Also when necessary for participation in a service other than an employability service.
- h. *Transportation*, when necessary for participation in an employability service or for the acceptance or retention of employment. Also when necessary for participation in a service other than an employability service.
- i. *Translation and interpreter services*, when necessary in connection with employment or participation in an employability service. Also when necessary for a purpose other than in connection with employment or participation in an employability service.

- j. *Case management services*, as defined in 45 CFR 400.2, for refugees who are considered employable under 45 CFR 400.76, and for recipients of TANF – and General Assistance (GA) where available – who are considered employable, provided that such services are directed toward a refugee's attainment of employment as soon as possible after arrival in the United States. Also when necessary for a purpose other than in connection with employment or participation in employability services.
 - k. *Assistance in obtaining Employment Authorization Documents*.
 - l. *Information and referral services*.
 - m. *Outreach services*, including activities designed to familiarize refugees with available services, to explain the purpose of these services, and facilitate access to these services.
 - n. *Social adjustment services*, including:
 - (1) *Emergency services, as follows*: Assessment and short-term counseling to persons or families in a perceived crisis; referral to appropriate resources; and the making of arrangements for necessary services.
 - (2) *Health-related services, as follows*: Information; referral to appropriate resources; assistance in scheduling appointments and obtaining services; and counseling to individuals or families to help them understand and identify their physical and mental health needs and maintain or improve their physical and mental health.
 - (3) *Home management services, as follows*: Formal or informal instruction to individuals or families in management of household budgets, home maintenance, nutrition, housing standards, tenants' rights, and other consumer education services.
 - o. *Citizenship & naturalization services*, including English language training and civics instruction to prepare refugees for citizenship; application assistance for adjustment to legal permanent resident status and citizenship status; assistance to disabled refugees in obtaining disability waivers from English and civics requirements for naturalization; and the provision of interpreter services for the citizenship interview.
3. **Discretionary money** – The Office of Newcomer Services receives, both currently and historically, discretionary grants from the Office of Refugee Resettlement for various types of social

service programs that will benefit refugees throughout the state. Typically, these funds are aimed at strengthening economic self-sufficiency, family stability, or community integration for the refugees living in Virginia. These grants have allowed ONS and its contract service providers to be more flexible and creative in order to meet critical needs that are not covered by other funding sources. One recent example is the Refugee Elderly Assistance Program [REAP], a project designed to meet the special needs of refugees who are age 60 or older and who may have a more difficult time becoming self-sufficient.

E. Service Delivery

1. Case Management and the Comprehensive Resettlement Plan (CRP)

- a. Upon the refugee's arrival, a case manager is assigned to be a central point of contact and accountability for each refugee or refugee family. The case manager, along with the refugee's sponsor, are to guide the individual or family throughout the process of assimilation with the goal of leading the refugee and/or the entire family toward the earliest possible achievement of economic self-sufficiency.
- b. The case manager should begin this process by assessing the refugee/refugee family's overall needs, past experiences, cultural and linguistic backgrounds, interests and aptitudes, present skills and abilities, previous education and work experience, and potential barriers to self-sufficiency. These should be considered, along with the personal goals of the individual and each family member, then matched with local community resources in order to develop a Comprehensive Resettlement Plan (CRP).
- c. Because employment is perhaps the most important factor leading to self-sufficiency, the CRP should be designed as a road map for how the individual in a refugee home in which at least one person is employable will arrive at and maintain employment. The CRP should have as a goal the avoidance of public assistance if at all possible, using transitional cash (RCA) and medical assistance (RMA) only when necessary.
- d. Title VI & Persons with Limited English Proficiency
 - 1) Title VI of the Civil Rights Act of 1965 requires that agencies and service providers offer language assistance in order that refugees may have meaningful access to the full spectrum of

services, resources, and programs that are available to them. This is particularly crucial for the case manager who serves as the main point of contact and accountability for the refugee. Therefore, ONS requires that the staff of Virginia's service providers be culturally and linguistically compatible with the refugee populations that they serve.

- 2) Please refer to section II.E.1 of this manual for a full explanation of the expectations of those who work in some way with refugees.

e. Documentation and Data Collection

- 1) ONS requires that a case file be kept for each refugee (though they may be organized by refugee family), which records vital information about the individual. Case files must be kept up-to-date and accessible.
- 2) The following items, which collectively form the basis of the Comprehensive Resettlement Plan (CRP), should be in the caseworker's file for each refugee:
 - Alien number and a copy of documents used for verification of refugee status (or as a victim of trafficking) needed for eligibility into the program
 - Date of entry into the U.S. and to the locality if different from the U.S. entry date
 - Name of the sponsoring family or voluntary agency and the responsibilities of the family/voluntary agency in the resettlement of the case as specified in the CRP
 - Nationality
 - List of demographic data, including case member names and the relationship to the case, address of the client, telephone number, etc.
 - Social Security Number of each case member
 - Documentation of cash assistance utilization and type of assistance
 - The initial assessment of each refugee member of the case, including employability needs, language proficiency, skills re-certification and training needs
 - Contacts and meetings with the refugee to monitor his/her progress in securing a job. This documentation would include contacts with employers to find job opportunities for refugee's and referrals to job sites
 - Follow-ups made after job placement at 30, 60, and 90-day intervals. Documentation would include problems or concerns that arose on the job and what

type of intervention was provided to ensure the success of the placement

- Re-assessments of the refugee's/family self-sufficiency needs
- Documentation of training and instruction provided, the type of instruction, the hours in instruction, the name of the teacher, and the cost per student
- The name of mentors/volunteers involved with the case
- Progress notes of client/service provider contacts in chronological order, dated and signed

3) *Service providers are also responsible to regularly enter data into the Virginia Newcomer Information System (VNIS). VNIS is the statewide data collection system administered by ONS, which captures information on each refugee receiving services through contract service providers.*

2. Employment Services

- a. The initial emphasis in the CRP is to get the refugees employed as soon as possible. However, it also outlines the steps that will be taken to ensure that the refugee will find a job that utilizes his or her skills, has durability, offers health insurance, and provides an adequate level of income to meet the family's needs. Like many American families, it may well be the case that two or more members of the refugee family will have to work to provide enough financial resources to sustain the entire family unit.
- b. The case manager plays a vital role in ensuring that the CRP is being followed and is meeting the needs of the refugee/refugee family. Though monitoring should be ongoing, with contact being made on at least a monthly basis, a review should be done at 30, 60, and 90 days following the development of the initial CRP. These reviews should formally assess the effectiveness of the CRP, making revisions if necessary in light of the goals of self-sufficiency and family stability.

3. English Language Training Services

- a. One of the greatest barriers to self-sufficiency for many refugees is a lack of basic English language skills. The development of a certain level of English proficiency can greatly improve the success of refugee assimilation and resettlement in the United States. This is especially true as it relates to obtaining and retaining employment.

- b. For this reason, English language training must be concurrent with employment and should be worked into the CRP. An assessment of the refugee's English language skills should be done soon after his or her arrival, so that decisions can be made about how best to meet the language needs of the individual or refugee family.
- c. Service providers should ensure that work site ESL programs are used as much as possible so that language learning does not conflict with work and family commitments. Additionally, both ESL and vocational training programs should be provided outside of normal working hours or at times when the greatest number of refugees will be served.

4. Supportive Services

- a. Service providers should work closely with community agencies to provide as many of the services as possible to refugees from section *D.2* above. Though ONS funds a number of these services through contracts with service providers, there are potentially many other possible resources available to refugees in their local communities.
- b. It is the responsibility of the service provider to serve as a source of information and referral for the refugee. In order to do this effectively, strong working relationships must be cultivated with local departments of social services, community action agencies, religious and social institutions, immigrant associations, clinics, schools, and other local organizations which could serve as resources to refugee families in their communities.
- c. Every effort should be made to ensure that refugees are aware of the services available to them and that these services are non-duplicative.
- d. All of the services mentioned in section *D.2* above, which are funded with Office of Refugee Resettlement monies (administered by ONS in Virginia), must be used for refugee-specific programs. Programs designed to offer the following services to refugees may also be extended to individuals who do not fit the definition of a refugee (as established in section *I.C* in this manual) if there is additional space and/or it will positively contribute to the attainment of self-sufficiency for refugees in the program:
 - 1) Vocational or job skills training,

- 2) On-the-job training, and
- 3) English language training

F. Community Networking

1. **Responsibilities of the Refugee Service Provider** – In order for the Comprehensive Resettlement Plan (CRP) to work effectively, it is important to develop early on a network within the community that will serve as a support and resource for the refugee family. As much as possible, service providers should direct refugees to existing public programs and community resources. This should include tapping into the many resources that ethnic organizations offer to refugees.
2. **Responsibilities of the Local Department of Social Services** – The local department of social services also plays an important role as part of this community network that fosters refugee self-sufficiency. It must ensure that refugees and asylees are referred to the local service provider when they are not already affiliated with a local resettlement agency. The local DSS should also work closely with the service provider to integrate the Comprehensive Resettlement Plan into any VIEW work requirements for the refugee. This team approach helps to ensure that the refugee's unique needs and skills are reflected in any employment plan and overall strategy to assist the individual in achieving self-sufficiency.

- G. ***Unaccompanied Minors*** – The Office of Newcomer Services, through a private contract agency, sponsors a program that resettles unaccompanied refugee minors in the state of Virginia. These refugee youth are eligible to receive the full range of services and benefits to which children in foster care in Virginia are entitled, including foster care maintenance and support services. For more information about the Unaccompanied Minors Program, see section VI in this manual.

VI. UNACCOMPANIED MINORS PROGRAM

A. *Introduction*

The Virginia unaccompanied minors program is one of the largest of 14 programs in the nation providing services to vulnerable refugee children from war-torn countries around the globe. These children, by definition, arrive in the United States unaccompanied by a parent or other close adult relative. Through a contract with a licensed child-placing agency, Virginia ensures that culturally and linguistically appropriate child welfare services are provided to these children and that the provider agency equips them with the skills needed to become well-adjusted, self-sufficient members of Virginia's communities.

The Unaccompanied Minors Program operates under the standards and requirements that govern the larger framework of Virginia's foster care system, including the level of foster care maintenance payments. These can be found in the Code of Virginia, Chapter 10: Child Welfare, Homes, Agencies and Institutions and the foster care regulations established by the Virginia Department of Social Services (*VDSS Policy Manual*, V. 7, sect. 3, ch. B). Refugee minors are eligible to receive the full range of services and benefits to which any child in foster care in Virginia is entitled: foster care maintenance, medical assistance, and support services.

B. *Background*

1. **Establishment of the Program** - The Unaccompanied Minors (UM) Program began in 1978 following the Vietnam War, which brought an influx of refugee minors into the United States. A priority admission system was put in place, with the provision that these UM children would be cared for despite the fact that they did not arrive with parents or guardians. The United States Catholic Conference and the Lutheran Immigration and Refugee Services were the two national voluntaries agencies that agreed to administer the Unaccompanied Minors program in various states. Throughout much of the life of the program, the majority of the participants have been from South Asia, with smaller numbers from other regions of the world.
2. **Present Program** – Beginning in the late 1990s, the Office of Refugee Resettlement called upon states with unaccompanied minors programs to begin making preparations for a downsizing of operations, because of a decline in processing of minors overseas

and a decrease in the number of unaccompanied minors entering the United States.

However, Virginia's UM program has continued as a viable resource to the Office of Refugee Resettlement in those instances in which refugee youth have unexpectedly suffered the loss of their parents, for unaccompanied asylee youth, and youth in extreme situations who have already entered the United States. New youth have been added to the program through these kinds of circumstances, and as a result, the number of youths in the program, after years of decline, actually increased during the year 2000. The ethnic diversity in the program has also increased.

Another factor contributing to the growth and diversity of the UM program in Virginia is the increased processing of minors in refugee camps over the past couple of years. The primary effort has been in the Kakuma Refugee Camp in Kenya, where a large number of youth, primarily males from Sudan, have been encamped for many years. Approximately 3,300 of these youth (some minors, and some young adults over 18) have been resettled in the United States, including 40 through Virginia's Unaccompanied Minors Program.

Though it is uncertain whether these two international trends will continue, the UM program in the state will remain strong for at least a few years while it serves the large number of youth who are presently being served in the program.

C. Eligibility for the Program

1. Establishing Eligibility

- a. Some refugees arrive in the U.S. with the status of Unaccompanied Refugee Minor, which is granted overseas by INS and the State Department before departure. When they arrive, these youth are placed directly into the Unaccompanied Minors program so that they can immediately be placed into foster care and provided the services and benefits of the program.
- b. Other refugee minors enter into the U.S. with a parent, guardian, or relative, but for some reason after arrival are unable to stay with them. These children may be eligible for the Unaccompanied Minors Program through what is known as "reclassification" (see section VI.F.2 below for details).

- c. A third group of minors comes to the U.S. unaccompanied by a parent or legal guardian with the hope of attaining asylum status from the Immigration and Naturalization Service. Though under the present system this process often causes many difficulties and a long waiting period for the child, if the minor is granted asylum he/she may also be reclassified by ORR as a Refugee Unaccompanied Minor.

2. Beginning and Ending Dates for the Program

- a. Program eligibility begins on either the day of arrival in the United States (if the child has been granted Unaccompanied Refugee Minor status while still overseas) or the day that Unaccompanied Refugee Minor status is granted (as a result of a petition for reclassification from “accompanied” to “unaccompanied”) by the Office of Refugee Resettlement.
- b. A refugee unaccompanied minor remains eligible for benefits and services in the program until he/she:
 - 1) is reunited with a parent,
 - 2) is united with a non-parental adult willing and able to care for the child to whom legal custody and/or guardianship is granted under state law, or
 - 3) attains the age of 21. In Virginia, a child in foster care before the age of 18 may remain in foster care between the age of 18 to 21 if the youth is in permanent foster care; requires continuing foster care assistance to participate in an educational, training, or treatment program; and wishes to remain in foster care. (§ 63.1-206.1, *Code of Virginia*).

D. Program Goals

- 1. **Dual Emphasis of the UM Program** – The goals of the program for unaccompanied minor refugees and entrants are:
 - a. To reunify unaccompanied refugee children with their parents or, within the context of Virginia child welfare practice, with non-parental adult relatives.
 - b. To help unaccompanied minors develop appropriate skills to enter adulthood and to achieve economic and social self-sufficiency through delivery of child welfare services in a culturally sensitive manner.
- 2. **Developing Independence** - Preparation for living on their own and eventual emancipation are viewed as critical elements in the

planning for minors. At a minimum, the provider agency will take the following specific steps to assist the minors in achieving self-sufficiency:

- a. Provide training in life skills such as language competency, budgeting, banking, job readiness, vocational exploration, and self care.
 - b. Assist minors in locating living arrangements and employment.
 - c. Involve community resources and service providers in planning with the minors.
 - d. Follow-up on the minor's adjustment to emancipation for six months.
3. **Adoption** - Since a primary goal in providing services to the minor is reunification with family, refugee/entrant minors are not eligible for adoptions except as provided in 45 CFR §400.115 (c). These cases are rare.

E. Services

1. Parallel Services

- a. The Unaccompanied Minors Program must provide the same services and benefits to the refugee minor that are provided to any minor that is in foster care in the state of Virginia.
- b. These may include foster care maintenance payments (i.e. room, board, and clothing), medical assistance, and support services. For a full description of the benefits and services offered to children in foster care in the Commonwealth see the *Virginia Department of Social Services Manual*, V. 7, section 3, ch. B.5.4.1.

2. **Foster Care Options** - A continuum of care with culturally sensitive placement options is available to meet the developmental needs of minors and is consistent with those provided to all children in foster care in Virginia. These options include:
- a. Reunification with family or relative
 - b. Ethnically matched foster home
 - c. Foster home
 - d. Teaching/specialized foster home
 - e. Therapeutic group home care
 - f. Transitional independent living arrangement

- g. Independent living placement
 - h. Residential facility
3. **Note:** *If the provider agency cannot place the minor in an ethnic or bilingual option, those services are added by the service provider through bilingual staffing and linkages with the ethnic community.*

F. Administration

1. Guide

- a. The private child placing agency under contract should petition the court in the jurisdiction where the minor will reside to establish legal custody within 30 days after arrival in Virginia, in accordance with §63.1-204 of the Code of Virginia.
- b. The agency must follow all of the requirements for opening a case for foster care as established by *Virginia Department of Social Services Manual*, V. 7, section 3, ch. B.5.

2. Reclassification – If the child needs to be reclassified as an unaccompanied refugee minor, the protocol that the Office of Refugee Resettlement (ORR) established in its State Letter 85-184 and State Letter 01-27 should be followed. It includes the following steps:

- a. The child placing agency must submit an ORR-3 Placement Report (OMB No. 0960-0309) for the child to the State Refugee Coordinator. It should complete all sections of the report. If portions of the actions required by the report are pending, this should be indicated in the appropriate section.
- b. Unlike with non-refugee foster children, the parents of unaccompanied minors need not necessarily be contacted in order for custody to be granted to the child-placing agency. Section 400.114.b of the Code of Federal Regulations says that, “in establishing legal responsibility, including legal custody and/or guardianship under State law, as appropriate, the minor’s natural parents should not be contacted in their native country since contact could be dangerous to the parents.”
- c. If the child was not classified as an unaccompanied minor because of a clerical error, details about how and why this occurred must be fully explained in the report. Any accompanying documents that may more clearly illustrate that an error occurred should also be submitted. For a request for reclassification based on a re-determination of age, special

steps must be follow, as outlined in State Letter 01-27 (See *Appendix I* of this manual).

- d. The child placing agency should submit to ONS an assurance that the minor does not have, and has not had at any time since his or her arrival in the U.S., a parent living in the United States. In addition, the whereabouts of the natural parents should be specified if known and the name of the adult person with whom the minor entered the United States, or whom the minor entered the United States to join, should be supplied.
- e. Assurance that the child is not living in the home of the non-parental or non-related adult with whom he or she entered the United States, or the non-parental relative or other non-parental adult whom he or she entered the United States to join should be submitted to ONS.
- f. The child-placing agency must demonstrate to ONS that it has been granted legal custody of the child by the appropriate court.
- g. Upon receipt of the appropriate documents and information described in sections a-e above, the State Refugee Coordinator will send a formal request for reclassification, including a narrative explanation of the circumstances under which the state believes the child to be "unaccompanied," to ORR.
- h. If ORR grants the request for reclassification, the minor will be eligible for all of the benefits and services provided under the Unaccompanied Minors Program.

3. Case Plan

- a. After custody and/or reclassification have been established and the initial steps are taken to open a case, the placing agency must immediately develop a case plan for the refugee minor. This should be done in accordance with the requirements set forth in 45 CFR §400.118 and the *Virginia Department of Social Services Manual*, V. 7, section 3, ch. B.6-8.
- b. The case plan should be tailored to the individual strengths, abilities, and temperament of each child and must address the following areas:
 - 1) Social adjustment
 - 2) English language training
 - 3) Career planning
 - 4) Education/training as appropriate

- 5) Health needs
 - 6) Suitable mode of care in the least restrictive setting
 - 7) Development of socialization skills
 - 8) Family reunification
 - 9) Preservation of ethnic, cultural, and religious heritage
 - 10) Mental health needs, if necessary.
- c. The child-placing agency should follow the VDSS policy on service delivery with regard to the areas listed above. See *VDSS Policy Manual*, V. 7, section 3, ch. B.9-11. Additionally, the agency must review every six months the appropriateness of the minor's living arrangement and services.
4. **Interstate Movement** – When an unaccompanied minor is placed in Virginia and then moves to another state, the same guidelines that govern the interstate movement of a non-refugee child in foster care apply. For details about the various requirements and responsibilities see the *Virginia Department of Social Services Manual*, v. 7, section 3, ch. E, the *Virginia Code 63.1-219.1-5*, and *Virginia's Guide to the Interstate Compact on the Placement of Children*.
5. **Reporting Suspected Abuse/Neglect** – In order to ensure that refugees in the Unaccompanied Minors Program are given adequate protection, it is essential that the personnel of the child placing agency are informed of their responsibilities as mandated reporters. Virginia has established mandatory reporting statutes with regard to suspected cases of abuse and neglect, which can be found in the Code of Virginia 63.1-248.3 and 63.1-55.3. See section II.E.3 of this manual for more details about these requirements.
6. **Monitoring and Reporting** – It is expected that the child-placing agency will comply with monitoring and reporting requirements that are established through contractual agreement with the Office of Newcomer Services. See 45 CFR 400.120 for a description of the minimum requirements in these areas - though the contractual agreement may add additional requirements.

Appendix A

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

This table shows the most commonly used forms of documentation. For more detailed information, consult ORR State Letter #00-17 in this appendix.

Document	Description	Status
I-94	207 with codes RE-1, -2, -3, -4, -5, or V-93	Refugee
	208 with codes AS-1, -2, -3, or V-93	Asylee
	212(d)(5)	Paroled as a refugee or asylee
	AM-1, -2, or -3	Amerasian Immigrant
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative
I-571	United States Refugee Travel Document	Refugee or Asylee
I-688B	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee
I-766	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee
Asylum Letter	Letter from INS or an immigration judge granting a decision of asylum	Asylee

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA
REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-94	207 with codes RE-1, -2, -3, -4, -5, or V-93	Refugee
	208 with codes AS-1, -2, -3, or V-93	Asylee
	212(d)(5)	Paroled as a refugee or asylee
	AM-1, -2, or -3	Amerasian Immigrant

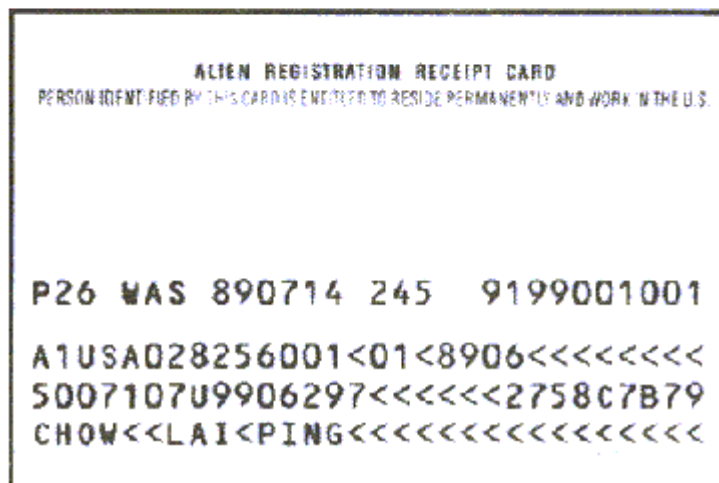
SAMPLE I-94:

Departure Number		SAMPLE	
742832036 01		U.S. IMMIGRATION 250 WAS	
Immigration and Naturalization Service		SEP 13 1991	
I-94 Departure Record		ADMITTED <u>B-2</u> UNTIL (CLASS)	
14. Family Name <u>DOE</u>		<u>July 10, 1993</u>	
15. First (Given) Name <u>JOHN</u>		16. Birth Date (Day-Mo-Yr) <u>11.04.62</u>	
17. Country of Citizenship <u>U.K.</u>			

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative

SAMPLE OF I-551:

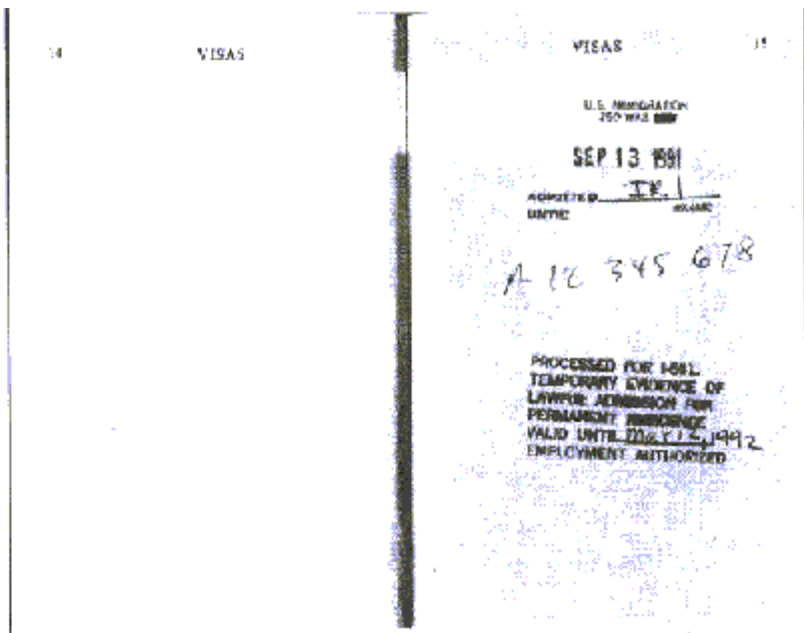


INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-551 & I-551B	AM-6, -7, or -8	Amerasian Immigrant
	RE-6, -7, -8, or -9	Refugee or Relative
	AS-6, -7, or -8	Asylee or Relative
	CH6, HA6, or HB6	Cuban/Haitian Immigrant
	GA-6, -7, or -8	Iraqi Asylee or Relative

SAMPLE OF I-551 STAMP IN A FOREIGN PASSPORT:

When an alien is first admitted into the U.S. as a Legal Permanent Resident, his or her passport is stamped with temporary proof of LPR status. This stamp will have an expiration date. This is proof of admission as a lawful permanent resident. The stamp could also be placed on the alien's I-94.



INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-571	United States Refugee Travel Document	Refugee or Asylee

SAMPLE I-571:

**UNITED STATES
OF AMERICA**

**ESTADOS UNIDOS
DE AMÉRICA**

**REFUGEE TRAVEL
DOCUMENT**
(UN Convention of July 28, 1951)

**DOCUMENTO
DE VIAJE PARA
REFUGIADOS**
(Convención del 28 de Julio
de 1951 de las Naciones Unidas)

[illegible]

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-688B	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee

SAMPLE OF I-688B:

EMPLOYMENT AUTHORIZATION
U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

Name
A100000000
SAMPLE
Signature
Wasey M. Otero
Valid from
Expires
10/23/90
DOB

X Provision of Law
X 274a.12 (c) (8)
X Terms & Conditions
X
X

The person identified on the reverse of this card is authorized to engage in employment in the United States pursuant to Section 274A of the Immigration and Nationality Act as amended, during the period of validity of the card and in accordance with the restricting terms stated on the reverse of the card.
This document is VOID if altered and may be revoked pursuant to 8 CFR 274a. This document is not evidence of citizenship or permanent residence in the United States. If this card is found, please return to the nearest office of the Immigration and Naturalization Service.

INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
I-766	Employment Authorization Document Marked: A03, A04, or A05	Refugee, Parolee, or Asylee


SAMPLE I-766:



INS DOCUMENTS THAT ESTABLISH ELIGIBILITY FOR THE VIRGINIA REFUGEE RESETTLEMENT PROGRAM

Document	Description	Status
Asylum Letter	Letter from INS or an immigration judge granting a decision of asylum	Asylee

SAMPLE OF LETTER GRANTING ASYLUM:

 U.S. Department of Justice
Immigration and Naturalization Service

Office Director 380 West Los Angeles Street FEB 02 1991
Los Angeles, CA 90012 A29 000 880

EDUARDO ALBERTO
412 CENTER
LOS ANGELES CA 90000

SIR: MR. EDUARDO ALBERTO ;

This refers to your Request for Asylum in the United States.

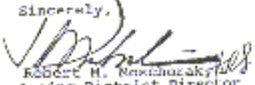
I have concluded, upon consultation with the Bureau of Human Rights and Humanitarian Affairs, Department of State, that you have established a well-founded fear of persecution upon return to your homeland. Therefore, in accordance with Section 208(a) of the Immigration and Nationality Act, your request for Asylum in the United States is granted as of FEB 02 1991.

Your asylum RIGHTS may be terminated if it is subsequently determined you are no longer a refugee within the meaning of section 101(a)(42)(B) of the Immigration and Nationality Act, or that you pose a danger to the community or to the security of the United States.

You are authorized to remain in the United States until FEB 01 1991 at which time you must arrange to be interviewed to determine your continuing eligibility for asylum. Employment is authorized during this period. If you plan to depart the United States, it will be necessary for you to obtain prior permission to remain.

You may apply for permanent residence under section 209(b) of the Immigration and Nationality Act upon being physically present in the United States for at least one year after asylum was granted.

Please keep this office informed of any change in your address.

Sincerely,

ROBERT M. WENZEL
Acting District Director

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
Los Angeles, California

File No: A 70 400 000

In the Matter of
EDUARDO E.
Respondent

IN DEPORTATION PROCEEDINGS

Order of the
Immigration Judge


This warrant having been initiated by the Immigration & Naturalization Service upon the filing of an Order to Show Cause, and the Respondent having been found to be subject to deportation on the charge(s) set forth therein; and the Respondent having made application for relief from deportation under Sections 101(a) and 141(b) of the Immigration and Nationality Act; and a hearing having been held on said applications, and the Court being fully informed of the facts, and having made an oral decision at the conclusion of the hearing setting forth the basis upon which the Respondent is found QUALIFIED for the relief sought; therefore, upon this order being filed,

IT IS ORDERED that the Respondent's application for relief from deportation under Sections 208(a) and 244(b) of the Immigration and Nationality Act be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that deportation proceedings against the Respondent be TERMINATED.

Appeal: Waived Received

Date: 2-27-91


ROY J. MAXWELL
Immigration Judge

A copy of this Order has been served upon the Respondent and the Immigration Service.

October 2001

Department of Health and Human Services
Administration for Children and Families
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter #00-17

September 14, 2000

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Lavinia Limón, Director
Office of Refugee Resettlement

SUBJECT: Status and Documentation Requirements for the Refugee Resettlement Program

Purpose of this Letter

This State Letter outlines: (1) the statuses that confer eligibility for Refugee Resettlement Program benefits; (2) the documentation that is needed to prove an individual has one of those statuses; and (3) a suggested process for making eligibility determinations. Along with confirming status, eligibility determinations must include confirmation of identity, the date that an individual initially became eligible for benefits ("entry" date) and, in cases involving Cuban and Haitian entrants, nationality. More than one piece of documentation may be needed to make all of these determinations. **However, this State Letter will not discuss documentation that confirms identity, nationality or "entry" dates. This State Letter only discusses status documentation.**

Process

The Office of Refugee Resettlement (ORR) asks agencies to use the following process when determining eligibility for Refugee Resettlement Program benefits.

- (1) Eligibility workers should ask the applicant for a **written declaration**, under penalty of perjury, that he or she has an immigration status that makes him or her eligible for Refugee Resettlement Program benefits.
- (2) Eligibility workers should review **documentation** of immigration status as outlined in charts included with this State Letter.
- (3) If status is supported by documents, eligibility workers may conclude that the applicant has a qualified status and continue with **other eligibility verifications**, such as verification of "entry date" and specific program requirements.
- (4) If unable to confirm status after checking documentation, which suggests eligibility, agencies should provide benefits while using **other methods to verify status**. Agencies, if connected with the Immigration and Naturalization Service (INS) Systematic Alien Verification for Entitlements (SAVE) system should follow standard SAVE procedures. If not connected to the SAVE system, agencies may submit INS Form G-845 to the local INS office. In some cases, which are mentioned below, agencies may call the Executive Office for Immigration Review (EOIR) case status line.
- (5) If an agency follows the above procedures but remains uncertain about an applicant's status, please call AnnaMarie Bena, **ORR Immigration Specialist**, at (202) 260-5186 or send an email to abena@acf.dhhs.gov.

Limitations

ORR has attempted to gather a comprehensive list of documents that shows statuses conferring eligibility for ORR programs. However, the INS produces a variety of documents, some of which may be useful in a status determination but which, for a number of reasons, may not have been included in this State Letter. Moreover, due to the complexity of certain categorical definitions, documentation alone may not definitively confirm eligibility in some cases. Noting these difficulties, ORR asks agencies to follow the process suggested above. If an agency has concerns or questions at any point during the process, please contact Anna Marie Bena at (202) 260-5186 or abena@acf.dhhs.gov.

Proposed Rule

In August 1998, the Attorney General published a proposed rule, ***Verification of Eligibility for Public Benefits***, 63 FR 41662, ("Proposed Rule"), with a 60-day comment period. The Proposed Rule is not in force. However, the Attorney General is expected to issue a final rule concerning verification issues. At that time, ORR will reevaluate the guidance in this letter to ensure that ORR procedures are consistent with the final verification rules. Agencies should follow the guidance in this State Letter until a final rule is issued by the Attorney General.

STATUS REQUIREMENTS

Individuals with the following statuses are eligible for Refugee Resettlement Program benefits (45 CFR §400.43(a)(1)-(6)):

- (1) Individuals paroled as **refugees or asylees** under §212(d)(5) of the Immigration and Nationality Act (INA)
- (2) Refugees admitted under §207 of the INA
- (3) Asylees whose status was granted under §208 of the INA
- (4) Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2
 - (a) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided
 - (b) A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
 - (c) A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
 - (d) A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered
- (5) Certain Amerasians from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in §101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)
- (6) Lawful permanent residents, provided the individuals previously held one of the statuses identified above (Note that this does not refer to Amerasians who are admitted as lawful permanent residents. See #5 above.)

DOCUMENTATION REQUIREMENTS

In order to access Refugee Resettlement program benefits, individuals must provide acceptable documentation of one of the statuses listed above. The following lists include documents that provide proof of these statuses. These documents may or may not provide proof of identity, nationality or "entry" date.

Chart #1

(1) Acceptable documents for individuals paroled as refugees or asylees under §212(d)(5) of the INA*:

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been paroled as a refugee or asylee under §212(d)(5)	To be eligible under this provision, the I-94 must note that the individual is a refugee or asylee .
I-766 Employment Authorization Document with the code A04	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)	This is an older version of the employment authorization document but it is still in use.

***Note:** This status rarely has been granted since 1980. **It is unlikely that eligibility workers will encounter this type of documentation.** Eligibility workers may encounter other individuals, not refugees or asylees, who have been paroled under §212(d)(5). The documentation of other parolees under §212(d)(5) may include language, such as "humanitarian" or "public interest parole." An example of a population with this documentation would be parolees who receive benefits under the "Lautenberg Amendment," a special provision that allows nationals from the former Soviet Union, Vietnam, Laos or Cambodia to adjust their status after having resided in the United States for one year. These types of parolees under §212(d)(5) are NOT eligible for ORR benefits. Only individuals who are listed as **refugees or asylees** are eligible under this provision. However, if the individual is a national of Cuba or Haiti, he or she may be eligible under the provisions concerning Cuban and Haitian entrants. (See documentation lists below for information on Cuban and Haitian entrants.)

Chart #2

(2) Acceptable documents for refugees admitted under §207 of the INA:

Documents/Codes	Comments
I-94 Arrival/departure card noting that the individual has been admitted under §207 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
RE-1 admission code on the I-94	Principal Refugee
RE-2 admission code on the I-94	Spouse of principal refugee
RE-3 admission code on the I-94	Child of principal refugee
RE-4 admission code on the I-94	Collateral relatives of principal refugee
RE-5 admission code on the I-94	Certain Haitian refugees
I-766 Employment Authorization Document with the code A03	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(3)	This is an older version of the employment authorization document but it is still in use.
INS Form I-571	United States Refugee Travel Document*
Visa 93 (or V-93) on the I-94 Arrival/departure card	May be accompanied by the words "section 207"; Individual is the spouse or minor child of a previously admitted refugee.

***Note:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

Chart #3

(3) Acceptable documents for asylees whose status was granted under §208 of the INA:

Documents/Codes	Comments
I-94 Arrival/departure card referencing §208 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
AS-1 admission code on the I-94	Approved asylee principal
AS-2 admission code on the I-94	Approved spouse of an asylee principal
AS-3 admission code on the I-94	Approved child of an asylee principal
INS Form I-571	United States Refugee Travel Document*
I-766 Employment Authorization Document with the code A05	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(5)	This is an older version of the employment authorization document but it is still in use.
Order of an Immigration Judge Granting Asylum under §208 of the INA	An Order of an Immigration Judge will serve as proof of asylee status if the INS has waived the right to appeal the case. See Note 2 below for information about cases where the INS reserves the right to appeal.**
Asylum Approval Letter from an INS Asylum Office	Letter will note that the individual has been granted asylum pursuant to §208 of the INA and may include information concerning refugee and asylee relative petition, work authorization and the refugee travel document.
Written decision from the Board of Immigration Appeals (BIA)	
I-730 Approval Letter	The I-730 Approval Letter may be used as proof of asylee status for derivatives.
Visa 92 (or V-92) on the I-94 Arrival/departure card	May be accompanied by the words "section 208"; Individual is the spouse or minor child of a previously granted asylee.

***Note 1:** The INS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

****Note 2:** If the INS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows the INS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31st day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898-7180 to find out whether the INS has appealed the case. (The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.) If the INS has appealed the case, the individual is not yet an asylee and is not eligible for benefits. If the INS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services.

Chart #4a

(NOTE: ORR State Letter #01-22 made several changes to chart #4a shown below. See the last page of this appendix for details.)

(4) Acceptable documents for Cuban and Haitian entrants, in accordance with the requirements in 45 CFR §401.2:

- (a) *Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status* subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.*

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5).
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending).
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5).
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	

***Note:** ORR is not interpreting the phrase, "any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti" to refer to lawful permanent residence obtained under the Nicaraguan Adjustment and Central American Relief Act (NACARA) or the Haitian Refugee Immigration Fairness Act (HRIFA). Although NACARA and HRIFA offer a special opportunity for nationals of Cuba and Haiti, the **status** conferred by these laws, **lawful permanent residence**, is not a "special status." Thus, if the person did not qualify as a Cuban and Haitian entrant, adjustment of status, regardless of the legal basis for the adjustment, does not make the person a Cuban and Haitian entrant.

Chart #4b

- (b) *A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion* has not been entered*

Documents/Codes	Comments
An I-94 Arrival/departure card showing parole into the United States	I-94 may refer to §212(d)(5), humanitarian or public interest parole.**
I-766 Employment Authorization Document with the code A04	
I-766 Employment Authorization Document with the code C11	
I-688B Employment Authorization Document with the provision of law 274a.12(a)(4)***	This is an older version of the employment authorization document but it is still in use.
I-688B Employment Authorization Document with the provision of law 274a.12(c)(11)***	This is an older version of the employment authorization document but it is still in use.

***Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

****Note 2:** As treatment of Cuban and Haitian entrants has developed, INS officials, on occasion, may have used notations on the I-94s of Cuban and Haitian entrants that are not listed above. Eligibility workers may see various notations that convey parole. For example, eligibility workers, in the past, may have seen the notation, "EWI," which technically stands for "Entered Without Inspection" but was being used for individuals who were paroled. Please call Anna Marie Bena at (202) 260-5186 if you encounter unusual notations or if you are uncertain of the relevance of a particular notation.

*****Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

Chart #4c

(c) A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion** has not been entered.*

Documents/Codes	Comments
INS Form I-221	Order to Show Cause and Notice of Hearing
INS Form I-862	Notice to Appear
INS Form I-220A	Order of Release on Recognizance
INS Form I-122	Notice to Applicant Detained for a Hearing Before an Immigration Judge
INS Form I-221S	Order to Show Cause, Notice of Hearing and Warrant for Arrest
Copy of INS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR)	Application for Asylum and Withholding of Removal; Individual is subject of removal, deportation or exclusion proceedings.
Copy of INS Form I-485 date stamped by EOIR	Application to Register Permanent Residence or to Adjust Status; Individual is subject of removal, exclusion or deportation proceedings.
EOIR-26	Notice of Appeal, date stamped by the Office of the Immigration Judge
I-766 Employment Authorization Document with the code C10	Application for suspension of deportation/cancellation of removal submitted
I-688B Employment Authorization Document with the provision of law 274a.12(c)(10)***	Application for suspension of deportation/cancellation of removal submitted
Other applications for relief that have been date stamped by EOIR	
Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings	Example: a notice of a hearing date before an Immigration Judge

***Note 1:** Although the above documents show that proceedings have been initiated in a case, they cannot confirm that proceedings are continuing. In order to confirm that proceedings are continuing, eligibility workers will need to use other methods, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office or, if participating, accessing the INS SAVE system. If an eligibility worker cannot determine whether proceedings are ongoing, please call Anna Marie Bena at (202) 260-5186.

****Note 2:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

*****Note 3:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

Chart #4d

(d) A national of Cuba or Haiti who has an application for asylum pending with the Immigration and Naturalization Service and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.*

Documents/Codes	Comments
INS receipt for filing Form I-589	Application for Asylum and Withholding of Removal
I-766 Employment Authorization document with the code C08	
I-688B Employment Authorization Document with the provision of law 274a.12(c)(8)**	This is an older version of the employment authorization document but it is still in use.

***Note 1:** The question of whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion is essentially a legal determination that cannot simply be made by reviewing any of the listed documents. Moreover, it is not a decision that can be easily made by eligibility workers in the regular course of eligibility determinations. ORR suggests that eligibility workers require a written declaration, under penalty of perjury, that the individual has a status that makes him/her eligible for ORR programs and attempt to use other methods to uncover this information, such as calling the EOIR case status line at (800) 898-7180, submitting Form G-845 to the local INS office, asking the applicant for more information or, if participating, accessing the INS SAVE system. Note that these methods may not be definitive. If an applicant appears eligible from the available information, the agency should provide benefits while conducting further investigation. If, after reviewing documents and attempting to determine whether there is a final, nonappealable, legally enforceable order of removal, deportation or exclusion, an eligibility worker remains uncertain about an applicant's eligibility, please call Anna Marie Bena at (202) 260-5186.

****Note 2:** If an individual provides an I-688B Employment Authorization Document, which does not provide information about nationality, eligibility workers must request other documentation to confirm that the individual is a Cuban or Haitian national.

Chart #5**(5) Acceptable documents for certain Amerasians (see definition above):**

Documents/Codes	Comments
AM-1 admission code on the I-94	Amerasian born in Vietnam after Jan. 1, 1962 and before Jan. 1, 1976 who was fathered by a U.S. citizen
AM-2 admission code on the I-94	Spouse or child of Amerasian
AM-3 admission code on the I-94	Mother, guardian or next-of-kin of Amerasian
AM-6 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Amerasian (see above)
AM-7 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Spouse or child of Amerasian
AM-8 adjustment code on Form I-551 Permanent Resident Card (or Resident Alien Card)	Mother, guardian or next-of-kin of Amerasian
Vietnamese Exit Visa with codes AM-1, AM-2 or AM-3	"Laissez Passer"; may have temporary I-551 stamp
Vietnamese passport with codes AM-1, AM-2 or AM-3	May have temporary I-551 stamp
United States passport with codes AM-1, AM-2 or AM-3	

Chart #6**(6) Acceptable documents for lawful permanent residents who previously held one of the above identified statuses** (Note that this does not refer to Amerasians who are admitted as lawful permanent residents. See Chart #5 for all documents pertaining to Amerasians):

Form I-551 Permanent Resident Card (or Resident Alien Card) with the following codes:	Comments
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6
CH6	Adjusted Cuban/Haitian Entrant (Status Pending)
HA6	Adjusted Cuban and Haitian Entrant (Haitian national who had applied for asylum)
HB6	Adjusted Cuban and Haitian Entrant (Haitian national who had been paroled)
GA6	Adjusted Iraqi asylee
GA7	Spouse of GA6
GA8	Child of GA6

Foreign Passport with unexpired, temporary I-551 stamp and the following codes:	Comments
RE6	Adjusted Principal Refugee
RE7	Spouse of RE6
RE8	Child of RE6
RE9	Collateral Relatives of RE6
AS6	Adjusted Principal Asylee
AS7	Spouse of AS6
AS8	Child of AS6

Employment Authorization Documents	Comments
Form I-766 Employment Authorization Document with the code A10 (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal
Form I-688B Employment Authorization Document with the provision of law 274a.12(a)(10) (This code only confirms eligibility for Cuban or Haitian nationals.)	Withholding of Deportation or Removal

NOTE: *ORR State Letter #01-22 made the following changes to chart #4a of State Letter#00-17 above. This reflects a change in the documents that ORR will accept as proof that a Cuban or Haitian is a Category One “Cuban and Haitian entrant.”*

Documents/Codes	Comments
An I-94 Arrival/departure card with a stamp showing parole at any time as a "Cuban/Haitian Entrant (Status Pending)"	I-94 may refer to §212(d)(5). I-94 may be expired.
CH6 adjustment code on the I-551	Even after a Cuban/Haitian Entrant (Status Pending) becomes a permanent resident, he/she technically retains the status Cuban/Haitian Entrant (Status Pending). I-551 may be expired.
An I-94 Arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980	I-94 may refer to §212(d)(5). I-94 may be expired.
A Cuban or Haitian passport with a §212(d)(5) stamp dated after October 10, 1980.	Passport may be expired.

Appendix B



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

COPY

HHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

CERTIFICATION LETTER

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is _____. This certification is valid for eight months from the date of this letter. The expiration date is _____.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

COPY

HHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

Dear Ms. Doe:

This letter confirms that, pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria.

Your initial eligibility date is _____. This eligibility is valid for eight months from the date of this letter. The expiration date is _____.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement

DOMESTIC HEALTH ASSESSMENT FORM

THE HEALTH DISTRICT PROVIDING THE HEALTH ASSESSMENT COMPLETES THIS PORTION OF FORM

Was The Refugee Located Or Not? (circle one) Yes / No If **NOT** Located, Provide Reason If Known. _____
 If The Refugee Was Not Located, You Can Not Provide An Assessment. Do Not Continue But Return This Form to VDH Refugee Health Program.
 If The Refugee Was Located, Provide Name of The **Health District** Providing This Health Assessment. _____
 Print Name of Person Completing This Form: _____ Phone #: (____) _____

Your district must decide whether or not to bill Medicaid for this initial health assessment Forms received without checking 1 or 2 will be returned delaying compensation

1. Check here ☐ if your District **INTENDS** to bill the refugee's Medicaid for elements included in this Health Assessment. By checking here, the health district indicates it will accept the Medicaid reimbursement allowance for elements within this health assessment. Your district will **not** be reimbursed by DSS administered Refugee Medicaid Assistance Funds.
2. Check here ☐ if your District **DOES NOT INTEND** to bill Medicaid for elements in this Health Assessment. By checking here, the health district indicates that for this health assessment it will accept the reimbursement from DSS administered Refugee Medical Assistance Funds, facilitated by DTC. Further, the District agrees **not** to bill the refugee's Medicaid for *any* element included in this initial health assessment. Subsequent health visits can and should be billed to the refugee's Medicaid or other medical insurance.

Date of this Health Assessment: (mm/dd/yy) ____/____/____ What is the Refugee's *Primary* Language (other than English)? _____

LEVEL I: REQUIRED MINIMUM: Assessment for Tuberculosis Disease / Infection (May be completed by PHN, NP, PA, or MD) (Level I only = \$60.00) Each element requires an appropriate answer:

Mantoux Skin Test Reaction	Chest X-ray (in US) if PPD + &/or S/S	Therapy (if indicated)
Negative	Normal (not TB)	TX for suspected or confirmed TB disease is considered
Positive	Abnormal (TB suspected)	Therapy for LTBI indicated
Given, not read	N/A (negative PPD & no S/S of TB)	Based on evaluation, no therapy indicated now
Not done, explain: _____		

1. Was an interpreter *necessary* to conduct this refugee's health history and assessment? (Circle One)
Yes / No
- (If **Yes**, complete 2,3, & 4 ---- If **No**, skip to Level II)
2. Was a competent, trained interpreter *available* to facilitate this refugee's health history and assessment? Yes / No
3. Was the trained interpreter *used* to facilitate this refugee's health history and assessment? Yes / No
4. Was a *family member* or friend used to provide the interpretation? Yes / No

LEVEL II: Health History and Assessment (May be completed by PHN, NP, PA, or MD) (Level I and II = \$179.50 if age 11 years or less; \$220.50 if age 12 years or more)

For compensation for this level, Level I is required and *each* item in Level II requires the most appropriate response.

- 1) A review of the refugee's health history..... WNL? Yes / No
- 2) The gross inspection / assessment / systems review. Question for current health problems? WNL? Yes / No
- 3) A gross evaluation of vision and hearing WNL? Yes / No
- 4) A gross dental inspection / assessment WNL? Yes / No
- 5) STD follow-up for any STD *if identified* on federal form OF-157 Done / NA
- 6) Is this refugee's weight appropriate for his / her height? Yes / No
- 7) Is this refugee's hemoglobin & / or hematocrit appropriate for his / her age & sex? Yes / No
- 8) If 5 years old or over, is this refugee's Blood Pressure grossly with in normal limits? (If age < 5, circle Yes)..... Yes / No

- 9) Review the refugee's immunization history. Determine if his/her immunization status is current/up to date for age. Indicate if any update is necessary by checking yes / no to each item. You are encouraged to begin the update (give immunizations) during this visit and then refer appropriately for follow-up through your district immunization clinic.

Diphtheria, Tetanus, and if indicated for age, Pertussis	Yes / No
Polio	Yes / No
Measles, Mumps, and/or Rubella	Yes / No
Hepatitis B (series requires referral to immunization clinic)	Yes / No
<i>Haemophilus influenzae</i> type B	Yes / No
Varicella	Yes / No
Pneumococcal (necessary if indicated by age or health condition)	Yes / No
Influenza? (necessary if season, age, and / or health condition)	Yes / No

- 10) Hepatitis B Screening: (Africa, Asia, Middle East; at times, former Soviet States & Eastern Europe) Done / No
 11) Parasite screening: (Africa, Asia, Middle East, and if from a refugee camp) Done / No
 12) **IF FEMALE**, is this refugee currently pregnant? NA / Yes / No
 13) General mental status assessment (orientation to person, place, time, as age appropriate)? WNL?..... Yes / No

Level III: Expanded Health Assessment (A PHN, NP, PA or MD may complete this portion)

(Level I, II, and III = \$198 if age 11 or less; \$255 if age 12 or more)

For compensation for this level by DSS refugee funds, Level I and II are required and sections specific to the refugee's age require the most appropriate response.

(Circle one)

- 1) An assessment, that at a minimum, includes listening to heart & lung sounds Done / Not Done
- 2) Age specific recommended screening:
- a) **age <5 year:**
- 1- Measure head circumference WNL? Yes / No
 2- Assessment for development milestones WNL? Yes / No
- b) **age 5-15 years:**
- 1- Provide nutritional assessment (if he & wt <5th %) Done / NA
 2- Development level / mental status assessment.....WNL? Yes / No
- c) **age >15 years:**
- 1- Further evaluation if weight more than 10% under normal range
 OR if more than 40% over normal range. Done / NA
 2- Evaluation for hypertension of BP elevated. Done / NA
 3- CBC, platelets, if heratocrit less than 30%. Done / NA
 4- VDRL if indicated by history or abnormal exam. Done / NA
 5- Offer HIV testing if indicated by history or abnormal exam. Done / NA
- d) **age >46 years or if indicated at any age:**
- 1- Stool exam for blood (hemocult). Done / NA
 2- Fasting glucose. Done / NA
 3- Fasting cholesterol. Done / NA
 4- Cancer information and / or evaluation as appropriate. Done / NA

LEVEL IV: PUBLIC HEALTH NURSE CASE MANAGEMENT

Includes any referrals as necessary based on health assessment. This Level is reimbursed once @ \$86.50, regardless of the number of referrals. Make sure the referral corresponds to findings as documented in the previous Levels. If not, the referral cannot be counted.

(Circle one)

- 1) Referral for consideration of therapy for TB infection or disease? Yes / No
 2) Referral for abnormal vision finding? Yes / No
 3) Referral for abnormal hearing finding Yes / No
 4) Referral following a **normal** dental inspection? Yes / No
 5) Referral for follow up due to an **abnormal** dental inspection? Yes / No
 6) Referral necessary for an STD/HIV finding? Yes / No
 7) Referral necessary for abnormal weight finding? Yes / No
 8) Referral necessary for anemia/malaria findings? Yes / No
 9) Referral necessary for update immunizations per ACIP guidelines? Yes / No
 10) Referral necessary for Hepatitis B? Yes / No
 11) Household contact testing for Hepatitis B necessary? Yes / No
 12) Referral required for abnormal parasite screening? Yes / No
 13) Referral necessary for developmental delays (children under 6 only)? Yes / No
 14) Referral necessary for mental health evaluation? Yes / No
 15) Referral for any other problems identified at health assessment? Yes / No

This form serves as both an invoice tool and health data collection tool, please complete appropriately and accurately. The program can reimburse Health Districts only. The program cannot reimburse private physicians or clinics. A health district may choose to contract with a health provider to provide the health assessment. The district then accepts responsibility for reimbursing their contractor once the district is reimbursed.

PLEASE RETURN FORM TO VDH/RHP AS SOON AS POSSIBLE AFTER HEALTH ASSESSMENT IS COMPLETED
Reimbursement Can Only Be Made With Proper Documentation



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter

00-18

Date: September 19, 2000

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
MUTUAL ASSISTANCE ASSOCIATIONS
OTHER INTERESTED PARTIES

RECEIVED

SEP 25 2000

FROM: Lavinia Limón, Director
Office of Refugee Resettlement

NEWCOMER SERVICES

SUBJECT: Policy Guidance on the Title VI Prohibition Against National Origin
Discrimination As It Affects Persons With Limited English Proficiency

The Department of Health and Human Services Office for Civil Rights has released Policy Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency (Policy Guidance). Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program that receives Federal financial assistance. The prohibition of discrimination based on national origin includes the prohibition of discrimination against Limited English Proficient (LEP) persons. LEP persons are individuals who cannot speak, read, write or understand English well enough to communicate effectively with health and social service providers. **The Policy Guidance clarifies that it is the responsibility of health and social service providers who receive Federal financial assistance from the Department of Health and Human Services (HHS) to ensure that LEP persons receive language assistance so that they may have meaningful access to benefits and services.**

Since 1980, ORR, in fulfilling its mission to resettle refugees, has funded State agencies, community-based organizations, mutual assistance associations, private voluntary agencies and local health departments, among others. Those entities, in turn, have served refugees and asylees from diverse countries including Vietnam, Laos, Cambodia, the former Soviet Union, Bosnia, Iraq, Somalia, Sudan and others. The majority of these populations are made up of LEP persons. ORR grantees, therefore, have been at the forefront of assessment and the development of language assistance for LEP persons. ORR commends its grantees for their efforts and asks them to re-commit to ensuring that LEP persons receive appropriate, meaningful language assistance so that they can access benefits and services to help them begin

their new lives in the United States. Grantees should take this opportunity, at the release of the Policy Guidance, to re-assess efforts, to devise new strategies, to implement improvements and to offer technical assistance to other agencies in providing effective language assistance to LEP persons.

Who should be in compliance with Title VI?

This Policy Guidance applies to all entities that receive Federal financial assistance from HHS, either directly or indirectly, through a grant, contract or subcontract.¹ Covered entities include (1) any State or local agency, private institution or organization, or any public or private individual that (2) operates, provides or engages in health, or social service programs and activities and that (3) receives Federal financial assistance from HHS directly or through another recipient/covered entity. **For ORR purposes, all state agencies, community-based organizations, national voluntary agencies, mutual assistance associations and any other entities receiving ORR funds, either directly or indirectly, are covered entities and must be in compliance with Title VI, and the obligation to provide language assistance when needed to ensure meaningful access to LEP persons.**

According to the Civil Rights Restoration Act of 1987 (CRRRA) all operations of ORR grantees, usually, are covered by Title VI, not just the part of the program that uses Federal assistance. In other words, ORR grantees should be in compliance with Title VI even if ORR funding is used only by one part of the program.

What are the keys to compliance?

The key component to ensuring meaningful access for LEP persons is language assistance. The necessary language assistance will vary depending on the size of the grantee, the size of the eligible LEP population it serves, the nature of the program, the objectives of the program, the resources available to the grantee and the frequency with which particular languages are encountered. The Policy Guidance provides a discussion of the four keys to compliance: assessment of the language needs, the development of a written policy, staff training and monitoring. ORR is including with this State Letter an outline of the "Keys to Compliance" to assist grantees in assessing and formulating their language assistance provisions.

What are ORR grantees' responsibilities?

The Policy Guidance does not impose new responsibilities on ORR grantees. Since its enactment, Title VI of the Civil Rights Act of 1964 has prohibited discrimination against LEP persons in any program that receives Federal financial assistance. Although ORR regulations only detail the obligations of grantees to ensure that LEP persons receive language assistance so that they have meaningful access to refugee cash assistance², the legal requirement in Title VI extends to all assistance and services provided with ORR funds. ORR recommends that the release of the Policy Guidance be seen as an opportunity to evaluate policies and to improve services to LEP persons. Therefore, ORR asks grantees to take the following steps.

¹ For more information about what constitutes Federal financial assistance, see 45 C.F.R. § 80.13(f).

² 45 C.F.R. § 400.55 (2000).

(1) Modification of State Plans. ORR asks States to revisit their policies concerning LEP persons and to modify their State Plans by specifically including a framework outlining their policy on assistance to LEP persons. ORR grantees should submit their revised State Plans to ORR by Wednesday, November 8, 2000. ORR asks States to carefully review the Policy Guidance and the attached "Keys to Compliance" in formulating their policy. States that need assistance in assessing or formulating their policy may contact the HHS Office for Civil Rights for consultation about their programs.

(2) Narrative Reports by Discretionary Grantees and Sub-grantees. ORR asks all discretionary grantees and sub-grantees to report on their implementation of the Policy Guidance in their next narrative reports. Reports should include an outline of the grantee's LEP policy, as well as its implementation. Like the States, ORR grantees that administer refugee cash assistance programs under the Wilson-Fish authority must comply with ORR regulations requiring agencies to make their policy and program materials available in written form in appropriate languages where a significant proportion of the recipient population needs information in a particular language. (See information to States above.)

(3) Monitoring. ORR will include a review of LEP practices in monitoring sessions. All grantees should be prepared to share their written LEP policies and to discuss implementation.

(4) Future Proposals. In future Requests for Proposals (RFPs), ORR will require submitting entities to outline their policies concerning language assistance for LEP persons. Policies should address the four keys to compliance described in the Policy Guidance. Submitting entities will be encouraged to contact the HHS Office for Civil Rights for advice on the development of appropriate policies.

(5) Costs of LEP Program Implementation. States and grantees should not divert ORR funding from the Refugee Resettlement Program (RRP) to the implementation of LEP policies in other programs.³ Each individual assistance or services program that serves LEP persons should be ensuring meaningful access to language assistance without placing the financial responsibility solely on ORR funds.

As noted above, ORR commends its grantees for their efforts in assisting LEP persons. ORR hopes that its grantees, with years of experience effectively serving refugees and asylees with varying degrees of language skills, will take a leadership role in the assistance to LEP persons within their communities. ORR also wants to encourage grantees to work together and to assist other agencies in ensuring that their programs are in compliance with Title VI as outlined in the Policy Guidance.

³ See 45 C.F.R. § 400.13(a)(2000) ("A State must allocate costs, both direct and indirect, appropriately between the Refugee Resettlement Program (RRP) and other programs which it administers."). See also 45 C.F.R. § 400.207 (2000) ("Federal funding is available for reasonable and necessary identifiable administrative costs of providing assistance and services under this part only for those assistance and service programs set forth in §§ 400.203 through 400.205 for which Federal funding is currently made available under the refugee program. A State may claim only those costs that are determined to be reasonable and allowable as defined by the Administration for Children and Families.") and 45 CFR § 400.206.

The Policy Guidance was published in the Federal Register on August 30, 2000.⁴

Please call Anna Marie Bena at (202) 260-5186 if you have questions about any of the information in this State Letter.

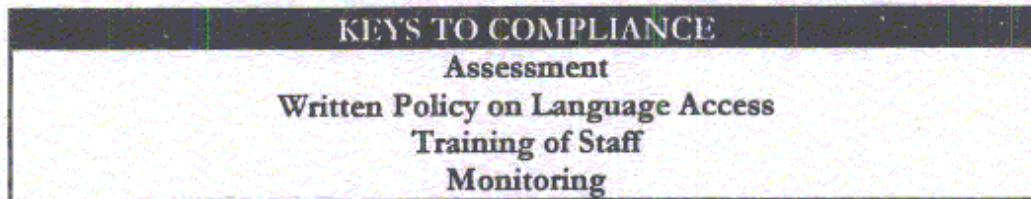
Enclosure

⁴ 65 Fed. Reg. 52,762 (2000)

Policy Guidance on the Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency

**OVERVIEW FOR OFFICE OF REFUGEE RESETTLEMENT (ORR) GRANTEES
"Keys to Compliance"**

The key to providing meaningful language access is to ensure that LEP persons and ORR grantees can communicate effectively. ORR grantees must ensure that LEP persons are given adequate information, are able to understand the services and benefits available and are able to communicate their circumstances to grantees. The HHS Office for Civil Rights has found that effective language assistance programs usually contain four elements: (1) assessment (2) written policy (3) staff training and (4) monitoring. The following outline provides a brief overview of the four elements and is meant to act as a guide for ORR grantees in developing their language assistance policies. This outline should not be used as a substitute for a complete review of the Policy Guidance and consultation with the HHS Office for Civil Rights.



- (1) **ASSESSMENT:** ORR grantees should conduct an assessment of the language needs of the population to be served. ORR grantees should:
 - (a) Identify languages likely to be encountered
 - (b) Estimate number of people eligible for services/likely to be affected by program
 - (c) Record languages in case files
 - (d) Establish points of contact in program where language assistance will be needed
 - (e) Identify resources to implement language access programs
 - (f) Make arrangements to access resources
- (2) **WRITTEN POLICY ON LANGUAGE ACCESS:** ORR grantees should develop and implement a comprehensive written policy on language access. The policy should include components concerning assessment, notice of right to assistance, oral assistance, translation of written materials, staff training and monitoring.
 - (a) **Oral Interpretation:** ORR grantees should develop procedures for obtaining and providing trained and competent interpreters to provide services to eligible participants served through ORR grant(s). Steps may include:
 - (i) Hiring bilingual staff
 - (ii) Arranging for interpreters (staff/contract)
 - (iii) Organizing volunteers to provide interpretation

- (iv) Contracting with phone interpreter services

- (b) **Written Translations:** An effective program ensures that routine written materials (especially "vital" documents: applications, consent forms, letters, notices of reductions and terminations of benefits, notice of free language assistance, outreach) are available in the regularly encountered languages. There must be a plan for written materials when there is a significant number or percentage of the population that is eligible for services and that needs language assistance. The HHS Office for Civil Rights will consider an ORR grantee to be in compliance with its Title VI obligations to provide written materials in non-English languages if (i.e., "safe harbors"):

- (i) The LEP group is 10% or 3000 (whichever is less) of population eligible to be served and the ORR grantee provides translated written documents including vital documents for the group.
- (ii) The LEP group is 5% or 1000 (whichever is less) and the ORR grantee, at a minimum, translates vital documents; other document translations can be oral.
- (iii) The LEP group is less than 100 persons; The ORR grantee does not translate written materials but provides written notice in the primary language of the LEP group of the right to receive oral translation of written materials.

The HHS Office for Civil Rights will review practices on a case-by-case basis and will look at the totality of the circumstances. If requiring written translation of certain documents is so financially burdensome that it defeats the objectives of a program or if there are alternative means of ensuring that LEP persons have meaningful access, the HHS Office for Civil Rights may find exceptions to the above standards and may not find that written translation is necessary for Title VI compliance.

- (c) **Notice to LEP persons:** ORR grantees may use, but are not limited to, the following methods to notify LEP persons of their right to language assistance.

- (i) Signs in waiting rooms (right to free translation/interpretation)
- (ii) Translation forms/information documents
- (iii) Language identification cards
- (iv) Procedures for handling inquiries by phone
- (v) Brochures/outreach

- (3) **TRAINING STAFF:** Effective training ensures that employees are knowledgeable about LEP policies and procedures. Training should:

- (a) Be part of orientation for new employees
- (b) Occur twice annually for those with client contact
- (c) Be recorded in a training registry

- (4) **MONITORING:** The HHS Office for Civil Rights has found that Title VI compliance is most likely when organizations continuously monitor their programs. Monitoring should:

- (a) Occur annually
- (b) Include feedback from clients/advocates

Please see the Policy Guidance for case scenarios, a Model Plan, promising practices and details about compliance.

Appendix E

Case #: _____

Release of Information Form Virginia Refugee Resettlement Program

Name of Refugee: _____ Alien number: _____

I authorize these organizations and individuals:

- | | |
|---|--|
| • Refugee Resettlement Organizations | • Property Managers/Landlords |
| • Immigration and Naturalization Services | • Virginia Housing Development Authority |
| • Employers | • Public Service Agencies |
| • Physicians and Other Medical Institutions | • Social Security Administration |
| • Law Enforcement Officers | • Financial Institutions |
| • Schools, Colleges, and Universities | • Health Insurance Company |
| • Mutual Assistance Associations | • Area Agencies on Aging |

to provide information to these refugee service agencies/organizations:

- | | |
|---|---|
| • Eligibility Workers | • Catholic Charities (only when holding custody of refugee) |
| • Office of Newcomer Services | • Foster Care Agency (providing care to refugee) |
| • Division of Adult & Family and Services | |
| • Local Department of Social Services | |

including the following records:

- | | |
|---------------------------------|---|
| • Family History | • Benefit/Services Needed, Planned, and/or received |
| • Employment/Unemployment | • Financial Information |
| • Education Reports | • Criminal Justice Records |
| • Alcohol/Drug Treatment | • Other: _____ |
| • Mental Health Records | |
| • Medical/Psychiatric Treatment | |

I understand and agree that:

- The individuals and organizations listed above may share information about me and my family.
- The information shared will only be used to help me receive services and benefits that will help me to achieve self-sufficiency.
- This form and my permission for these agencies to share information will expire in one year.
- I can cancel this at any time.
- Any information shared must be kept confidential unless I give written permission to release it to someone else.
- I have not been forced to sign this form.

Signature of Refugee: _____ Date: _____

Signature of Case Worker: _____ Date: _____

Federal Policy Guidance Regarding Inquiries into Citizenship, Immigration Status, and Social Security Numbers

The following is a summary in table form of a guidance issued by the U.S. Department of Health & Human Services and the U.S. Department of Agriculture outlining when it is appropriate to ask about someone's citizenship and immigration status and/or request their Social Security Number. For more detailed information, consult the following: <http://www.hhs.gov/ocr/immigration/triagency.html>

PROGRAM	IMMIGRATION STATUS QUESTIONS	SOCIAL SECURITY NUMBER QUESTIONS	COMMENTS
EMERGENCY MEDICAID	No proof of immigration status required	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
NON-EMERGENCY MEDICAID (including Medicaid expansion under SCHIP)	Required only for persons seeking benefits	Required only for person seeking benefits	States must assist individuals in applying for SSNs.
SCHIP (separate State Children's Health Insurance Programs)	Required only for persons seeking benefits	States may not require SSN	If the state form asks for an SSN, it must also inform the applicant that providing an SSN is voluntary and explain how it will be used. States cannot deny benefits if the applicant does not provide an SSN.
FOOD STAMPS	Required for persons seeking benefits	Required for persons seeking benefits	States are encouraged to allow household members who are not seeking benefits to identify as "non-applicants" early in the process. Benefits cannot be denied to eligible persons based on a household member's choice not to disclose immigration status or SSN.
TANF (Temporary Assistance to Needy Families)	Required for persons seeking benefits	Required for persons seeking benefits	States may allow ineligible family members to designate themselves as "non-applicants" on the initial application form. States must assist individuals in applying for SSNs.

Table courtesy of the National Immigration Law Center. Used with permission.

Virginia Refugee Service Providers

NORTHERN REGION

Alexandria Office of Employment Training

Address: 2034 Eisenhower Ave., Suite 140
Alexandria, VA 22314
Contact: Joe Stevens, Director; Rahim Aziz
Phone: (703) 838-4479
Fax: (703) 548-0483
E-mail: jks510@northern.dss.state.va.us
Primary Areas Served: City of Alexandria

Arlington Employment Center

Address: 3033 Wilson Blvd., Suite 400B
Arlington, VA 22201
Contact: Christine Harrison, Program
Planner
Phone: (703) 228-1406
Fax: (703) 228-1044
E-mail: Charri@co.arlington.va.us
Primary Areas Served: Arlington

Catholic Diocese of Arlington Refugee Services

Address: 80 North Glebe Road
Arlington, VA 22203
Contact: Seyoum Berhe, Resettlement
Director
Phone: (703) 524-2289
Fax: (703) 524-2741
E-mail: Refugee.arl@erols.com
Primary Areas Served: Arlington

Ethiopian Community Development Council, Inc.

Address: 1038 S. Highland Street
Arlington, VA 22204
Contact: Tsehay Teferra, Executive
Director; Jeilani Hussein
Phone: (703) 685-0510
Fax: (703) 685-0529
E-mail: ecdc@erols.com
Primary Areas Served: Arlington

International Rescue Committee

Address: 109 E. Jefferson St.
Charlottesville, VA 22902
Contact: Susan Donovan, Director
Phone: (434) 979-7772
Fax: (434) 979-8161
E-mail: susan@cville.intrescom.org
Primary Areas Served: Charlottesville &
surrounding counties

Lutheran Social Services

Address: 7401 Leesburg Pike
Falls Church, VA 22043
Contact: Ruth Anne Dawson, Director
Phone: (703) 698-5026
Fax: (703) 698-7121
E-mail: lssrefuge@aol.com
Primary Areas Served: Fairfax County

Virginia Council of Churches Refugee Resettlement Program

Address: 281 E. Market St.,
Harrisonburg, VA 22801
Contact: Viktor Sokolyuk, Program
Coordinator
Phone: (540) 433-7942
Fax: (540) 432-0238
E-mail: vccrrp@aol.com
Primary Areas Served: City of Harrisonburg
and surrounding counties

Virginia Council of Churches Refugee Resettlement Program

Address: 8800 Sudley Rd.
Manassas, VA 22110
Contact: Carolyn Monroe
Phone: (703) 369-6101
Fax: (703) 335-6782
E-mail: vccrrpmans@aol.com
Primary Areas Served: City of Manassas
and surrounding area

CENTRAL REGION

Refugee and Immigration Services

Address: 811 Cathedral Place, Suite E
Richmond, VA 23220-4801
Contact: Marilyn Breslow, Executive Director
Phone: (804) 355-4559
Fax: (804) 355-4697
E-mail: mbreslow@richmonddiocese.org
Primary Areas Served: Greater Richmond
Area

Virginia Council of Churches Refugee Resettlement Program

Address: 1214 W. Graham Road Suite 3
Richmond, VA 23220
Contact: Richard Cline
Phone: (804) 321-3305
Fax: (804) 321-8427
E-mail: vccrefuge@aol.com
Primary Areas Served: Greater Richmond
Area

EASTERN REGION

Hampton Roads Refugee and Immigration Services

Address: 1615 Kecoughtan Road
Hampton Roads, VA 23661
Contact: Karen Kurilko
Phone: (757) 247-3600
Fax: (757) 247-1070
E-mail: refugees@hrris.org
Primary Areas Served: Tidewater Area

Virginia Council of Churches Refugee Resettlement Program

Address: 409 First Colonial Road
Virginia Beach, VA 23454
Contact: Ed Haurand, Program Coordinator
Phone: (757) 437-7270
Fax: (757) 437-7266
E-mail: vccrefugeevabch@aol.com
Primary Areas Served: Tidewater Area

WESTERN REGION

Refugee and Immigration Services

Address: 1106 Ninth Street, SE
Roanoke, VA 24013
Contact: Barbara Smith
Phone: (540) 342-7561
Fax: (540) 344-7513
E-mail: barbara@Refimm.RoaCoxMail.com
Primary Areas Served: Greater Roanoke
and Lynchburg

PIEDMONT REGION

**For refugees in the Piedmont region contact:*

Office of Newcomer Services

Address: 730 East Broad Street
Richmond, VA 23219
Contact: Kathy Cooper, State Refugee
Coordinator
Phone: (804) 692-1206
Fax: (804) 692-1699
E-mail: kqc2@email1.dss.state.va.us

Other Contact Information

Immigration and Naturalization Service – Washington District Office

Mailing Address: USINS Washington District
Office
4420 N. Fairfax Drive
Arlington, VA 22203

Street Address:
USINS Washington District Office
4420 N. Fairfax Drive
Arlington, VA 22203

Phone: Call the [National Customer Service Center](#) at 1-800-375-5283.

Directions:

By Bus: Numerous bus routes connect to Metro rail stations or to the Ballston Metro Rail Station. Call Metro at (202) 637-7000 for more information.

By Train: Amtrak goes to train stations in Alexandria, Virginia and Washington, DC (Union Station). Call Amtrak at 1(800) 872-7245 for more information. From the train stations you can take the subway (Metro) to the Ballston Metro stop on the Orange Line. Call Metro at (202) 637-7000 for more information.

By Car (from Interstate 66): If traveling West on I-66, exit at Glebe Road, and turn South onto Glebe Road. At the third traffic light, turn left onto Fairfax Drive. The District Office is immediately on your right. If traveling East on I-66, take the Glebe Road Exit onto Fairfax Drive. The District Office is on your right immediately after crossing Glebe Road.

Areas Served: District of Columbia and the Commonwealth of Virginia. This office is responsible for processing most immigration benefit applications (such as legal residence and naturalization), and enforcing US immigration law, for the entire state of Virginia and the District of Columbia.

INS Field Office – Norfolk (Sub-Office of the Washington, DC District)

Mailing Address: USINS Norfolk Sub Office
5280 Henneman Drive
Norfolk, VA 23513

Street Address: USINS Norfolk Sub Office
5280 Henneman Drive
Norfolk, VA 23513

Phone: Call the [National Customer Service Center](#) at 1-800-375-5283.

Directions:

By Car: The office is located w/in 3 mi. of Norfolk Intl. Airport.

From Washington D.C.: Take I-95 South (towards Richmond) to I-64 East towards Norfolk/Virginia Beach. Exit off of I-64 at Exit 281A (Robin Hood Road). At the bottom of the exit ramp is a traffic light, go straight through the traffic light onto Almeda Avenue. Make a right turn onto the first street (Henneman Drive). The office is 0.4 of a mile on the right. **From the Monitor Merrimac Bridge Tunnel:** Take I-664 to I-64 Exit 15B (Chesapeake/Virginia Beach). Follow I-64W to Exit 281 Route 165-Military Highway. At the bottom of the exit ramp is a traffic light, make a left turn at the light onto Robin Hood Road. Stay on Robin Hood Road through a traffic light, under an overpass and make a left turn onto Almeda Avenue. Make a right turn onto the first street (Henneman Dr.) The office is 0.4 of a mile on the right.

Areas Served: This office provides services for immigration-related matters for the residents of southeastern Virginia. This includes the cities and/or counties of Chesapeake, Fredericksburg, Richmond, Prince Edwards, Rockville, Williamsburg, the Hampton Roads Area, Accomack, and Mecklenburg.

ELIGIBILITY TIMELINE

<i>Arrival Month</i> <i>(Any day that falls within the month below)</i>	<i>Last Month Eligible</i> <i>(Eligibility ends on the last day of the month)</i>
October 2001	May 2002
November 2001	June 2002
December 2001	July 2002
January 2002	August 2002
February 2002	September 2002
March 2002	October 2002
April 2002	November 2002
May 2002	December 2002
June 2002	January 2003
July 2002	February 2003
August 2002	March 2003
September 2002	April 2003
October 2002	May 2003
November 2002	June 2003
December 2002	July 2003
January 2003	August 2003
February 2003	September 2003
March 2003	October 2003
April 2003	November 2003
May 2003	December 2003
June 2003	January 2004
July 2003	February 2004
August 2003	March 2004
September 2003	April 2004



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter

01 - 27

October 2, 2001

TO : STATE REFUGEE COORDINATORS

FROM : *for* Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement *Marta Brender*

SUBJECT : Policy Issuance: Re-classification to Unaccompanied Minor Program

Over the past year, several thousand youth from the Kakuma refugee camp in Kenya have arrived in the U.S. under the U.S. refugee resettlement program. Nearly five hundred of these youth—under age 18 at the time of arrival in the U.S.—were resettled through the Unaccompanied Refugee Minor (URM) program. The remainder—about 3,500—were resettled in the U.S. under the regular refugee program.

The youths in the URM program are eligible for a wide range of benefits and services until age 18, or a higher age established by the State of resettlement in its child welfare plan under Part IV-B of the Social Security Act for the availability of child welfare services. Most of the States with URM affiliates sites allow youth to continue their education for a year or more after age 18. The youths over age 18 at the time of arrival, on the other hand, face the need for immediate employment and early self-sufficiency and, therefore, more limited opportunities for educational advancement.

The sharp division of the youths into two separate programs opens an issue about the accuracy of the dates of birth for these children. Some evidence suggests that the accuracy of these dates may be very low. Of the 90 youths recorded in the ORR database before the end of calendar year 2000, 89 recorded a birth date of January 1. These dates of birth apparently were chosen based on the best estimates of staff of the United Nations High Commissioner for Refugees (UNHCR).

Over the past several months, several States have requested that ORR reclassify youths as unaccompanied minors based on documentation that has surfaced since their arrival in the U.S. In order to provide for an equitable process of re-determining age eligibility for the URM

program, ORR is establishing a formal policy regarding the submission of such documents. Beginning immediately, a request for re-classification to unaccompanied minor status based on a re-determination of age must be accompanied by as much of the following documentation as the local agency can obtain:

- An affidavit from the youth as to how old he is and why he believes that he is that age.
- An explanation from the youth or from knowledgeable other persons relating how the incorrect birth date was recorded in official records and by whom.
- An explanation from the youth or other persons of how the alternative birth date was derived.
- Where alternative documentation emerges which indicates that the affiant is younger than the age documented in INS records, an explanation of who obtained the alternative documentation (such as a birth certificate), the official authority from which it was obtained, and the line of custody of the alternative documentation since that time.
- An explanation of why the youth did not use the alternative documentation to correct official records in the Kakuma camp, if it was available at the time.
- A statement from the program director or the caseworker as to the general appearance of the youth and the opinions of staff, volunteers, and other youth as to his actual age, based on an assessment of the youth's emotional and physical development.
- The professional opinion of a doctor, dentist, or other health professional in support of the youth's claim based on objective medical findings, such as dental exams, wrist x-rays or bone scans.
- Where appropriate, a photocopy of the discovered birth document and a description from agency staff describing the appearance and credibility of the document.

With these documents, the Director will determine whether the preponderance of evidence merits a change in date of birth and re-classification to unaccompanied minor status.

If you have any questions or comments, please contact Loren Bussert of my staff by telephone at (202) 401-4732, by E-mail at LBUSSERT@ACF.DHHS.GOV, or by fax at (202) 401-4587.



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter

02-03

Date: January 24, 2002

OMB Control No: 0970-0231
Expiration Date: 06/30/2002

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Nguyen Van Hanh, Ph.D., Director
Office of Refugee Resettlement

RECEIVED
FEB 01 2002

SUBJECT: Release of Individuals Previously Held in "Indefinite Detention"

BACKGROUND

On June 28, 2001, the U.S. Supreme Court issued its decision in *Zadvydas v. Davis*.¹ The case concerned "indefinite detainees" or "lifers", which are terms used to refer to non-citizens who, after having served time for a criminal conviction and being given a final order of removal by the Immigration and Naturalization Service (INS), remain indefinitely in detention in the U.S. because their home country and no other countries will accept them. In *Zadvydas* the Supreme Court held that the law limits an "alien's detention to a period reasonably necessary to bring about that alien's removal from the United States, and does not permit indefinite detention." Shortly after the Supreme Court decision, Attorney General John Ashcroft ordered the INS to begin looking into the release of certain indefinite detainees. Some of these individuals already have been released from detention.

EFFECT ON AGENCIES PROVIDING ORR-FUNDED BENEFITS

In a number of cases, aliens with final orders of removal originally came to the U.S. as refugees or had another status that made them eligible for ORR-funded benefits and services.² These individuals, upon release from detention, may come to benefit-granting agencies for assistance. Prior to providing benefits or services, agencies must determine status, identity, the date an individual

¹ 533 U.S. 678 (2001).

² Individuals with the following statuses are eligible for ORR-funded benefits (see 45 CFR §400.43 and ORR State Letters 00-17 and 01-13): (1) refugees under § 207 of the Immigration and Nationality Act (INA), (2) asylees whose status was granted under § 208 of the INA, (3) Cuban and Haitian entrants, in accordance with the requirements in 45 CFR part 401, (4) certain Amerasians from Vietnam and (5) victims of severe forms of trafficking.

initially became eligible for benefits (i.e., entry date) and, in certain cases, nationality. ORR anticipates that benefit-granting agencies will encounter problems in making these determinations for recently released detainees. First, while they have been convicted of a crime that triggers a final order of removal, some of these individuals may remain eligible for ORR-funded benefits. This complicated determination, which will differ depending on the individual's original status³, cannot be made easily by eligibility workers through their normal procedures. Second, these individuals most likely will not have documentation of their original status. Also, the INS Systematic Alien Verification for Entitlements (SAVE) system will not be able to provide the needed eligibility information, such as status or entry date, through primary verification. Secondary verification may be able to provide some of the needed information but most likely it will not have all of the needed information and the information will not arrive in a timely manner. Finally, agencies should note that many of these individuals will no longer be eligible for benefits because their eligibility periods may have expired during their incarceration. ORR has developed this State Letter to assist agencies with these difficult determinations.

PROCESS FOR DETERMINING STATUS

ORR recognizes that the above mentioned information is complicated and, as noted in the previous section, agencies may be unable to make eligibility determinations because of a lack of documentation and information in the SAVE system. Therefore, ORR has developed a process with the INS so that benefit-granting agencies, instead of conducting a SAVE query or basing an eligibility determination solely on documentation, may send information about the applicant to ORR. ORR then will work with the INS to determine the applicant's original status, entry date and eligibility and will relay this information to the benefit-granting agency.

Agencies should use the following process ONLY for determining the status of individuals who have received a final order of removal but who have been released from detention because they cannot be removed to their home country or to any other country. Individuals whose eligibility determination should be done through this process may present the eligibility worker with an Order of Supervision, which is INS Form I-220B. The Order of Supervision should include the individual's alien registration number and a notation concerning exclusion, deportation or removal. These individuals also may have an employment authorization document (most likely the INS Form I-688B) showing § 274a.12(c)(18) as the provision of law.

³ Information about termination of status for the various ORR-eligible populations may be found throughout the Immigration and Nationality Act (INA) and the Code of Federal Regulations (CFR). For information about refugees, please see INA § 207(c)(4) and 8 CFR § 207.9. For information about asylees, please see INA § 208(c)(2) and 8 CFR § 208.24. For information about Cuban and Haitian entrants, please see the Refugee Education Assistance Act and ORR State Letter 01-22. Amerasians enter the U.S. as lawful permanent residents and information about their status may be found at 8 CFR § 1.1(p). Victims of severe forms of trafficking are not eligible for benefits based on their immigration status but on their certification or recognition from the U.S. Department of Health and Human Services. Information about certification of adult trafficking victims and recognition of minor trafficking victims for benefits purposes can be found in the Trafficking Victims Protection Act and in ORR State Letter 01-13.

Agencies should follow these steps for determining eligibility for these applicants:

- (1) Gather as much of the following information as possible from the applicant:
 - a. Name
 - b. Alien registration number ("A number")
 - c. Date of birth
 - d. Social security number
 - e. Home country
 - f. Number on the I-94 card
 - g. Parents' names
 - h. Driver's license number
 - i. **Copies of any immigration documents**
- (2) Call or email AnnaMarie Bena at 202-260-5186 or abena@acf.dhhs.gov or Pamela Green-Smith at 202-401-4531 or pgreensmith@acf.dhhs.gov to inform them about the need for an eligibility determination for an indefinite detainee.
- (3) Send a fax with the information that was collected from the applicant to AnnaMarie Bena or Pamela Green-Smith at 202-401-0981 or 202-401-5487. Include contact information for the individual that is handling the case at the benefit-granting agency.

After this information has been submitted to the INS, ORR may contact the benefit-granting agency for additional information. ORR will notify agencies of status, entry date and eligibility by a fax, which should be kept in the applicant's file.

PUBLIC BURDEN STATEMENT UNDER THE PAPERWORK REDUCTION ACT

Public reporting burden for this collection of information is estimated to average .25 hours per response, including the time for reviewing the instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Glossary of Terms

Alien: Any person who is not a citizen or a national of the U.S.

Amerasian Act: Public Law 97-359 (Act of 10/22/82) provides for the immigration to the United States of certain Amerasian children. In order to qualify for benefits under this law, an alien must have been born in Cambodia, Korea, Laos, Thailand, or Vietnam after December 31, 1950, and before October 22, 1982, and have been fathered by a U.S. citizen.

Amerasian (Vietnam): A person of American and Asian descent, especially one whose mother is Asian and whose father is American. The term is used primarily with reference to children fathered in Asia by American servicemen. Amerasians born in Vietnam after January 1, 1962, and before January 1, 1976, who were fathered by a U.S. citizen, are eligible for benefits and services from the VRRP program. These Amerasians – along with their spouses, children, and parents or guardians when they arrive with them in the United States, who also qualify for VRRP – are issued immigration visas under the authority of Public Law 100-202 (and the amendments to it in P.L. 100-461, P.L. 101-167, P.L. 101-513, and P.L. 101-649).

Applicant for Asylum: A person living in the United States who does not want to return to his/her country because of fear of persecution and has requested, but has not yet received, asylum from the United States by filing form I-589 with the Immigration and Naturalization Service. An applicant for asylum is not eligible to receive benefits and services from the VRRP program until he/she has received an official letter granting asylum status.

Asylee: Someone who has applied for and received asylum. Asylees are eligible for the benefits and services of the Virginia Refugee Resettlement Program.

Asylum: Protected status given to non-citizens who are in the U.S. or at a border and demonstrate that they qualify under the refugee definition. A person granted asylum is referred to as an “asylee,” or more generally as a “refugee.”

Case Management Services: The determination of appropriate service(s), the referral to such service(s), and tracking of the refugee’s participation in such service(s).

Comprehensive Resettlement Plan (CRP): A plan required for all refugees receiving services from contract service providers that includes an assessment of the refugee's overall needs, interests and aptitudes, present abilities, previous education, work experiences, language ability, and potential barriers to self-sufficiency. In addition, the plan includes service strategies to address needs and overcome barriers to the achievement of self-sufficiency, including employment services, English language training, transitional cash and medical assistance, and other support services. Additionally, the CRP includes input from the refugee being served.

Cuban/Haitian Entrant Program: A program created by Congress under the Title V of the Refugee Education Assistance Act of 1980 that provides federal reimbursement to participating States for cash and medical assistance to Cuban and Haitian entrants under the same conditions and to the same extent as such assistance and services are made available to refugees. Also considered entrants for the purposes of federal reimbursement are Cuban and Haitian nationals who are paroled into the U.S. or are subject to exclusion or deportation proceedings, or applicants for asylum.

Discretionary Grant Program: Funds from the Office of Refugee Resettlement (ORR) for social service programs that address critical unmet needs and/or benefit refugees throughout the state by strengthening economic self-sufficiency, family stability, or community integration. ORR designates discretionary money for specific purposes and relies on the Office of Newcomer Services to administer the funds in Virginia. These grants have allowed ONS and its contract service providers to be more flexible and creative in order to meet needs that are not covered by other categorical Office of Refugee Resettlement funds.

Domestic Health Assessment: The initial medical screening that a refugee receives at a local health department within the first thirty days of arrival in the United States. It is designed to eliminate health-related barriers to successful resettlement while protecting the health of the U.S. population.

Economic Self Sufficiency: The ability of a refugee or the refugee's family unit to earn an income that will be self-supporting without any dependence on public cash assistance.

Employment Authorization Document (EAD): An Immigration and Naturalization Service (INS) issued document required for asylees and other immigrants in order for them to be authorized to work in the United States.

English Language Training (ELT): Any type of training program or tutoring service which is designed to help the refugee improve his/her English speaking, reading, writing, comprehension, and cultural competency skills. In the Refugee program, the primary goal and focus of ELT is employment and job readiness. ELT is sometimes referred to as English as a Second Language (ESL), however, ELT is broader in scope, including a wider variety of methods for language acquisition, than the typical ESL classroom setting.

Family Access to Medical Insurance Security Plan (FAMIS): The new health care program in Virginia that has replaced the Children's Medical Security Insurance Plan (CMSIP). Like CMSIP, FAMIS is designed to meet the health care needs of Virginia's uninsured children between the ages of 0 through 18 years, in working families that earn too much to qualify for Medicaid, but not enough to afford private health insurance. Some of the components of FAMIS are: a simplified eligibility process, a new benefits package with cost sharing, employee sponsored health insurance, and a centralized processing site. The program is administered by the Department of Medical Assistance Services (DMAS).

Immigrant: An alien who is lawfully granted the privilege of residing permanently in the U.S. (See also Permanent Resident Alien for more details about this term).

Local Affiliate Agency (AKA – Local Resettlement Agency): An affiliate of a national VOLAG, which is responsible for the resettlement and placement of a certain number of refugees in the state of Virginia. Under contract with the Department of State, the agency must provide a number of services to the refugee (e.g. housing, clothing, furniture, food, cultural orientation, and case management) during the first 90 days following his or her arrival into the United States.

Matching Grant Program: Funded by Congress since 1979, this program provides an alternative approach to State-administered resettlement assistance. Matching grants of \$2,000 per refugee are awarded to national voluntary resettlement agencies that agree to match the Office of Refugee Resettlement (ORR) grant with \$1,000 of cash and in-kind contributions with a minimum of 20 percent in cash. The program's goal is to help refugees attain self-sufficiency within four months after arrival without accessing public cash assistance.

Medicaid: A medical assistance program established under Title XIX of the Federal Social Security Act to enable states to provide medical care to public assistance recipients and medically needy persons: i.e. persons of low income who can meet their maintenance needs but have insufficient income to provide the cost of medical care. The program is financed by state and federal funds.

Mutual Assistance Association (MAA): A refugee organization based upon the principle of self-help, which is incorporated to address the social service needs of the refugee population. MAAs fill gaps in existing community services for the community they represent. An MAA serves as a bridge in promoting successful resettlement and acculturation in the American community. The composition of the organization or governing board is comprised of not less than 51 percent refugees or former refugees and includes both refugee men and women.

Non-citizen: Any person who is not a citizen of the U.S., regardless of his/her specific immigration status.

Office of Newcomer Services (ONS): The office within the Department of Social Services responsible for the administration, development, and supervision of the Refugee Resettlement Program in the state of Virginia.

Office of Refugee Resettlement (ORR): The agency within the federal Department of Health and Human Services responsible for refugee resettlement services throughout the United States. It is the source of the 100 percent federal funding to states for the Refugee Medical Assistance (RMA), Refugee Cash Assistance (RCA), Refugee Social Services (RSS), Matching Grant, Targeted Assistance, and Discretionary Grant programs.

Parolee: An alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist (though some paroles may petition for and receive permanent resident status when a visa becomes available). For the purposes of the Refugee Resettlement Program, this usually refers to a Haitian or Cuban who has been paroled into the United States and/or granted parole status as a Cuban/Haitian Entrant. For more details about the types of parolees who qualify for ORR benefits, see *Appendix A*.

Permanent Resident Alien: An alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a)(15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Immigration and Naturalization Service in the United States.

Reception and Placement: The first phase of the resettlement process after a refugee arrives in the United States. Each refugee is assigned to an American private voluntary agency that, working under a cooperative agreement with the Department of State, provides sponsorship and initial resettlement services during the first three months following the refugee's arrival. These services include housing, essential furnishings, food and other basic necessities, clothing, and additional orientation to life in America.

Refugee: A person who is outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group. After one year, a refugee may apply for permanent resident alien status. The generic term "refugee" is often used to include asylees, parolees, Cuban-Haitian entrants, and persons paroled into the country for humanitarian reasons or otherwise inadmissible aliens allowed to enter the U.S. under emergency conditions, or because entry serves an overriding public interest.

Refugee Act of 1980 (Public Law 96-212): The legislation that created the refugee resettlement program to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible after arrival in the United States.

Refugee Cash Assistance (RCA): Special cash assistance for needy refugees who do not qualify for cash assistance under the TANF or Supplemental Security Income (SSI) programs. Refugee individuals or families must meet the income and resource eligibility standards applied to the TANF program. Currently, RCA provides cash payments for a maximum of 8 months. The full cost of the RCA program is paid from federal funds. *Note: The official and correct name for this program is "Refugee Cash Assistance," not "Refugee Other," which has been used in certain contexts in the past.*

Refugee Medical Assistance (RMA): Special medical assistance for needy refugees who do not qualify for Medicaid or FAMIS. Refugees who are eligible for RCA are also eligible for RMA. This assistance is provided in the same manner as Medicaid, but all funds are provided by the federal government. Program eligibility is restricted by a time limitation, which depends on the availability of appropriated funds. Refugees not receiving RCA may be eligible for RMA if their income is slightly above that required for cash assistance eligibility and if they incur medical expenses which bring their net income down to the Medicaid eligibility level. *Note: The official and correct name for this program is “Refugee Medical Assistance,” not “Refugee Medicaid Other,” which has been used in certain contexts in the past.*

Refugee Social Services: Services provided to refugees in order to assist in general adjustment and especially to promote rapid achievement of self-sufficiency. Priority services include employment counseling, English language training, job placement and vocational training. Other support services include orientation, translation and interpretation, social adjustment counseling, transportation, day care, etc.

Secondary Migrant: A refugee or entrant who moves into Virginia after initial resettlement in another state in the U.S.

Service Contract Provider: An agency or organization under contract with the Virginia Department of Social Services, Office of Newcomer Services, to provide specified services to refugees/entrants.

Spenddown (Incurred Medical Expense Spenddown): A provision of the Medicaid and RMA programs for those who meet all of the eligibility requirements except for income. Similar to an insurance policy deductible, an applicant can make up for the difference between their countable income and the medically needy income limit by listing any medical bills that they incur during the “spend-down period.” If the entire difference is met, then the individual is determined to be eligible for the remainder of the period.

Sponsor: An individual, church, civic organization, state or local government, or other group or organization which has agreed to help in the reception and placement of refugees in the United States.

State Refugee Coordinator: The individual designated to be responsible for the administration and coordination of public and private resources in refugee resettlement in the state of Virginia.

Supplemental Security Income (SSI): A federal income supplement program funded by general tax revenues that is designed to help aged, blind, and for disabled people whose income and resources are below a certain level. It provides cash to meet basic needs for food, clothing, and shelter.

Targeted Assistance Program (TAP): An Office of Refugee Resettlement program that funds employment and other services for refugees and entrants who reside in areas of high need. These areas are defined as counties or contiguous county areas where, because of factors such as unusually large refugee or entrant populations, high refugee or entrant concentrations in relation to the overall population, and high use of public assistance, there exists a need for supplementation of other available service resources to help the local refugee or entrant population obtain employment with less than one year's participation in the program.

Temporary Assistance to Needy Families (TANF): A program that provides temporary financial assistance to eligible families with children. The family receives a monthly cash payment to meet their basic needs. To be eligible, a family must be financially needy and must meet certain other requirements.

Unaccompanied Minor: A refugee/entrant child who arrives in the U.S. unaccompanied by a parent or other close adult relative and who will require foster care. The child is eligible to receive culturally and linguistically appropriate child welfare services. Note: The official and correct name for the program that serves unaccompanied minors is the "Refugee Unaccompanied Minors Program," not the "Refugee Medicaid Unaccompanied Minors Program," a term which has been used in certain contexts in the past.

Undocumented Alien (Illegal alien): A non-citizen residing in the U.S. who has violated his/her immigration status. The violation may be the result of an unauthorized entry into the U.S. or of behavior occurring after entry, such as staying beyond the authorized period, engaging in unauthorized employment, or violating other provisions of the immigration laws.

Victim of Trafficking: A person who has been a victim of sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 year of age; or a person who has been recruited, harbored, transported, etc. for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Virginia Independence Program (VIP): The name of Virginia's welfare reform program, which emphasizes personal responsibility and independence. Public assistance is time limited and a comprehensive support structure is put in place in order to move the individual as quickly as possible towards self-sufficiency.

Virginia Initiative for Work Not Welfare (VIEW): The work component of VIP, which consists of work activities, such as placement in unsubsidized private sector employment, assignment to subsidized public employment, and job skills and readiness training designed to place all VIP participants in durable employment opportunities.

Virginia Newcomer Information System (VNIS): A computer program/network that captures information (demographic, public assistance benefits, employment activities, support services, and training) on each refugee receiving services through contract service providers. The data collected is used to prepare required federal reports, assist the Office of Newcomer Services in the supervision and monitoring of contractors, and evaluate the effectiveness of the program. In addition, VNIS generates statistics that are requested by legislators, other state agencies, and the public-at-large.

Voluntary Resettlement Agency (VOLAG): One of the ten national non-profit organizations (voluntary agencies) that enter into a cooperative agreement with the Bureau of Population, Refugees, and Migration of the Department of State to provide basic reception and placement services to refugees/entrants. Affiliates of seven of the national VOLAGs resettle refugees in Virginia: Church World Services, Episcopal Migration Ministries, Ethiopian Community Development Council, Hebrew Immigrant Aid Society, International Rescue Committee, Lutheran Immigration and Refugee Service, and the United States Catholic Conference.

VOLAG Affiliate: A local branch of the national voluntary agency that implements the provisions of the cooperative agreement within an established area.

Virginia Refugee Resettlement Program (VRRP): The term used to refer to the overall program of refugee services available in Virginia: cash and medical assistance, social services, TAP, and discretionary grants. In some situations, the term is used more specifically to refer to the refugee social services component of the program.